

TITLE 8

PLANNING AND ZONING

CHAPTER 1

FLOOD DAMAGE PREVENTION

ARTICLE 1

IN GENERAL

§ 8-1-1. STATUTORY AUTHORIZATION.

§ 8-1-2. FINDINGS OF FACT.

§ 8-1-3. STATEMENT OF PURPOSE.

§ 8-1-4. OBJECTIVES.

§ 8-1-5.--§ 8-1-9. RESERVED.

ARTICLE 2

DEFINITIONS

§ 8-1-10. SPECIFIC DEFINITIONS.

§ 8-1-11.--§ 8-1-15. RESERVED.

ARTICLE 3

GENERAL PROVISIONS

§ 8-1-16. LANDS TO WHICH THIS CHAPTER APPLIES.

§ 8-1-17. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

§ 8-1-18. ESTABLISHMENT OF DEVELOPMENT PERMIT.

§ 8-1-19. COMPLIANCE.

§ 8-1-20. ABROGATION AND GREATER RESTRICTIONS.

§ 8-1-21. INTERPRETATION.

§ 8-1-22. WARNING AND DISCLAIMER OF LIABILITY.

§ 8-1-23. ENFORCEMENT AND PENALTIES FOR VIOLATION.

§ 8-1-24.--§ 8-1-28. RESERVED.

ARTICLE 4

ADMINISTRATION

§ 8-1-29. DESIGNATION OF EXECUTIVE DIRECTOR.

§ 8-1-30. PERMIT PROCEDURES.

§ 8-1-31. DUTIES AND RESPONSIBILITIES OF THE EXECUTIVE DIRECTOR.

§ 8-1-32. VARIANCE PROCEDURES.

§ 8-1-33.--§ 8-1-42. RESERVED.

ARTICLE 5

PROVISIONS FOR FLOOD HAZARD REDUCTION

§ 8-1-43. GENERAL STANDARDS.

§ 8-1-44. SPECIFIC STANDARDS.

§ 8-1-45. BUILDING STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS AND/OR FLOODWAYS (A-ZONES).

§ 8-1-46. STANDARDS FOR SUBDIVISIONS.

§ 8-1-47. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES).

§ 8-1-48 -- § 8-1-50. RESERVED.

§ 8-1-51. SEVERABILITY

CHAPTER 2

MOBILE HOMES

ARTICLE 1

IN GENERAL

§ 8-2-1.--§ 8-2-20. RESERVED.

ARTICLE 2

TAX VERIFICATION PERMITS

§ 8-2-21. DEFINED.

§ 8-2-22. PERSONS OWNING OR HAVING MOBILE HOME LOCATED WITHIN AUGUSTA-RICHMOND COUNTY REQUIRED TO OBTAIN.

§ 8-2-23. OCCUPANCY OF MOBILE HOME WITHOUT VALID PERMIT PROHIBITED.

§ 8-2-24. APPLICATION; PERMIT; DECAL FORM; APPLICANT INFORMATION.

§ 8-2-25. PROOF OF PAID TAXES REQUIRED OF APPLICANTS.

§ 8-2-26. LOCATION OR RELOCATION PERMIT--REQUIRED WHEN INITIALLY LOCATING OR RELOCATING.

§ 8-2-27. SAME--REQUIRED WHEN CHANGING LOCATION WITHIN AUGUSTA-RICHMOND COUNTY OR RELOCATING OUTSIDE AUGUSTA-RICHMOND COUNTY.

§ 8-2-28. SAME--FEE; ISSUANCE OF PERMIT AND DECAL; PLACEMENT OF DECAL.

§ 8-2-29. SAME--NOTICE TO AUGUSTA-RICHMOND COUNTY OF DESTINATION WHENEVER RELOCATION OUTSIDE AUGUSTA-RICHMOND COUNTY AUTHORIZED.

§ 8-2-30. ANNUAL PERMITS FOR CONTINUED LOCATION REQUIRED; FEE; ISSUANCE OF PERMIT AND DECAL; PLACEMENT OF DECAL.

§ 8-2-31. ZONING REQUIREMENTS NOT SUPERSEDED BY PERMIT ISSUANCE.

§ 8-2-32. PAYMENT OF FEES INTO TREASURY.

§ 8-2-33. DEALERS REQUIRED TO FILE ANNUAL INVENTORY.

§ 8-2-34. RESPONSIBILITIES OF PARK OWNERS, OPERATORS.

§ 8-2-35. VIOLATIONS; PENALTIES.

CHAPTER 3

SUBDIVISION OF LAND

ARTICLE 1

IN GENERAL

§ 8-3-1. INCORPORATION OF SUBDIVISION REGULATIONS.

ARTICLE 2

PLATS

§ 8-3-2. PREREQUISITES TO APPROVAL OF FINAL PLAT; COMPLETION OF IMPROVEMENTS.

§ 8-3-3. GUARANTEE IN LIEU OF COMPLETION.

§ 8-3-4. TIME LIMIT.

§ 8-3-5. INSPECTION, CERTIFICATION AND ACCEPTANCE OF IMPROVEMENTS.

§ 8-3-6. RELEASE.

§ 8-3-7. FORFEITURE.

CHAPTER 4

TREES

§ 8-4-1. PURPOSE.

§ 8-4-2. DEFINITIONS.

§ 8-4-3. ESTABLISHMENT OF TREE COMMISSION.

§ 8-4-4. ADMINISTRATION

§ 8-4-5. PUBLIC TREE PROTECTION.

§ 8-4-6. TREE PROTECTION ZONE; OFFICIAL TREE LIST.

§ 8-4-7. PLANTING AND MAINTENANCE STANDARDS.

§ 8-4-8. MOVING BUILDINGS OR OTHER LARGE OBJECTS.

§ 8-4-9. LANDMARK TREES.

§ 8-4-10. NUISANCE TREES AND SHRUBS.

§ 8-4-11. GREENSPACE REQUIREMENTS FOR PRIVATE AND PUBLIC DEVELOPMENT.

§ 8-4-12. COMPLIANCE.

§ 8-4-13. LANDSCAPE ESTABLISHMENT BOND.

§ 8-4-14. APPEALS AND VARIANCES.

§ 8-4-15. ABROGATION AND GREATER RESTRICTIONS

§ 8-4-16. SEVERABILITY.

§ 8-4-17. ENFORCEMENT, VIOLATION AND PENALTY.

CHAPTER 5

ZONING

ARTICLE 1

IN GENERAL

§ 8-5-1. INCORPORATION OF ZONING ORDINANCE BY REFERENCE.

§ 8-5-2. AMENDMENTS TO ZONING ORDINANCE, MAP AND SUBDIVISION REGULATIONS.

§ 8-5-3.--§ 8-5-10. RESERVED.

ARTICLE 2

ROAD NAMING AND ADDRESSING

§ 8-5-11. AUTHORITY.

§ 8-5-12. SHORT TITLE.

§ 8-5-13. JURISDICTION.

§ 8-5-14. PURPOSE.

§ 8-5-15. ASSIGNMENT OF RESPONSIBILITY FOR NAMING ROADS AND ADDRESSING OF SAID ROADS.

§ 8-5-16. APPROVAL OF ROAD NAMES.

§ 8-5-17. ESTABLISHMENT OF UNIFORM NUMBERING SYSTEM.

§ 8-5-18. ISSUANCE OF STREET AND/OR MAILING ADDRESSES.

§ 8-5-19. RESPONSIBILITY FOR PLACEMENT OF NUMBERS.

§ 8-5-20. LOCATION AND INSTALLATION.

§ 8-5-21. NEW ROADS.

§ 8-5-22. EXISTING ROADS.

§ 8-5-23. LIABILITY.

§ 8-5-24. EFFECTIVE DATE.

§ 8-5-25. PROVISIONS SEVERABLE.

CHAPTER 6

GROUNDWATER RECHARGE PROTECTION

§ 8-6-1. AUTHORITY.

§ 8-6-2. SHORT TITLE.

§ 8-6-3. PURPOSE.

§ 8-6-4. OBJECTIVES.

§ 8-6-5. ESTABLISHMENT OF A GROUNDWATER RECHARGE AREA DISTRICT.

§ 8-6-6. DETERMINATION OF POLLUTION SUSCEPTIBILITY.

§ 8-6-7. PERMIT REQUIREMENTS, ADMINISTRATION, AND ENFORCEMENT.

§ 8-6-8. PERMIT REQUIREMENT.

§ 8-6-9. ADMINISTRATION.

§ 8-6-10. ENFORCEMENT.

§ 8-6-11. GROUNDWATER PROTECTION STANDARDS.

§ 8-6-12. JUDICIAL REVIEW.

§ 8-6-13. AMENDMENTS.

§ 8-6-14. ASSESSMENT RELIEF.

§ 8-6-15. SEPARABILITY AND ABROGATION.

§ 8-6-16. DEFINITIONS.

CHAPTER 7

WATER SUPPLY WATERSHED PROTECTION ORDINANCE

§ 8-7-1. AUTHORITY

§ 8-7-2. PURPOSE.

§ 8-7-3. TITLE.

§ 8-7-4. DISTRICT DELINEATION.

§ 8-7-5. SITE PLAN REQUIREMENTS.

CHAPTER 8

RESERVED

CHAPTER 9

SUBDIVISION-COVENANTS

§ 8-9-1. PURPOSE.

§ 8-9-2. ACCEPTANCE OF DEEDS OF DEDICATION OF STREETS AND UTILITIES.

§ 8-9-3. APPEAL.

TITLE 8

PLANNING AND ZONING

CHAPTER 1

FLOOD DAMAGE PREVENTION

ARTICLE 1

IN GENERAL

§ 8-1-1. STATUTORY AUTHORIZATION.

The Legislature of the State of Georgia has in Georgia Code Annotated, Article IX, Section II, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Augusta-Richmond County Commission does ordain the provisions of this chapter.

§ 8-1-2. FINDINGS OF FACT.

(a) The flood hazard areas of Augusta, Georgia are subject to periodic inundation which results in loss of life and property; health and safety hazards; disruption of commerce and governmental services; extraordinary public expenditures for flood relief and protection; and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

§ 8-1-3. STATEMENT OF PURPOSE.

It is the purpose of this Chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (a) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increases flood heights, velocities, or erosion;
- (b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Control the alteration of natural floodplain, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
- (d) Control filling, grading, dredging and other development which may increase flood damage or erosion, and;
- (e) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.(Ord. # 6321, October 17, 2000)

§ 8-1-4. OBJECTIVES.

The objectives of this Chapter are:

- (a) To protect human life and health;
- (b) To minimize expenditure of public money for costly flood control projects;
- (c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) To minimize prolonged business interruption;
- (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (f) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and
- (g) To insure that potential home buyers are notified that property is in a flood area.

§ 8-1-5.--§ 8-1-9. RESERVED.

ARTICLE 2

DEFINITIONS

§ 8-1-10. SPECIFIC DEFINITIONS.

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application:

- (a) Addition (to an existing building). Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing wall shall be considered "New Construction".
- (b) Appeal. A request for a review of the Executive Director's interpretation of any provision of this Chapter or a request for a variance.
- (c) Area of shallow flooding. A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
- (d) Area of Special Flood Hazard. The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, Areas of Special Flood Hazard shall be designated by the local community and referenced in Article 3, Section 8-1-17.
- (e) Base flood. The flood having a one (1) percent chance of being equaled or exceeded in any given year.
- (f) Basement. That portion of a building having its floor subgrade (below ground level) on all sides.
- (g) Building. Any structure built for support, shelter or enclosure for any occupancy or storage.
- (h) City Engineer. The City Engineer for Augusta, GA.
- (i) Commission. The Augusta Commission.
- (j) Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.
- (k) Elevated building. A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation, perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.
- (l) Executive director. The Executive Director of the Augusta-Richmond County Planning Commission.
- (m) Existing construction. Any structure for which the "start of construction" commenced before the effective date of the FIRST Floodplain Management Ordinance adopted by Augusta, GA as a basis for Augusta's participation in the National Flood Insurance Program (NFIP)
- (n) Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is complete before the effective date of the FIRST Floodplain Management Ordinance adopted by Augusta as a basis for Augusta's participation in the National Flood Insurance Program (NFIP)
- (o) Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

(p) Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) the overflow of inland or tidal waters; or

(2) the unusual and rapid accumulation or runoff of surface waters from any source.

(q) Flood Hazard Boundary Map (FHBM). An official map of a community, issued by the Federal Insurance Administration, where the boundaries of the areas of Special Flood Hazard have been defined as Zone A.

(r) Flood Insurance Rate Map (FIRM). An official map of a community, issued by the Federal Insurance Administration, delineating the areas of Special Flood Hazard and/or risk premium zones applicable to the community.

(s) Flood Insurance Study. The official report provided by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

(t) Floodplain. Any land area susceptible to flooding.

(u) Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(v) Floodway fringe, lower. The portion of the area of Special Flood Hazard that is located between the limit of the floodway and a line connecting all points half the distance between the floodway and the limit of the area of Special Flood Hazard.

(w) Floodway fringe, upper. The portion of the area of Special Flood Hazard that is located between the lower floodway fringe and the boundary of the area of Special Flood Hazard.

(x) Floor. The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

(y) Functionally dependent facility. A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacturing, sales or service facilities.

(z) Highest adjacent grade. The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

(aa) Historic structure. Any structure that is:

(1) listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) individually listed on a local inventory of historic places and determined as eligible by communities with historic

preservation programs that have been certified either:

- a. By an approved state program as determined by the Secretary of the Interior; or
- b. directly by the Secretary of the Interior in states without approved programs.

(bb) **Lowest Floor** The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking vehicles, building access, or storage, in area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this Code.

(cc) **Manufactured home.** A building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property.

(dd) **Mean sea level.** The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD).

(ee) **National Geodetic Vertical Datum (NGVD).** As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

(ff) **New construction.** ANY structure (see definition) for which the "start of construction" commenced after the effective date of the FIRST Floodplain Management ordinance adopted by Augusta, GA as a basis for Augusta's participation in the National Flood Insurance Program (NFIP) and includes any subsequent improvements to the structure.

(gg) **New manufactured home park or subdivision.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the FIRST Floodplain Management Ordinance adopted by Augusta, GA as a basis for Augusta's participation in the National Flood Insurance Program (NFIP).

(hh) **Recreational vehicle** means a vehicle which is:

(1) built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projection;

(3) designed to be self-propelled or permanently towable by a light duty truck; and

(4) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

(ii) **Start of construction** The date of Development Permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as

garages or sheds not occupied as dwelling units or not part of the main structure. (NOTE: Accessory structures are NOT exempt from any ordinance requirements) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(jj) Structure. A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

(kk) Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

(ll) Substantial improvement. Any combination of repairs, reconstruction, alteration or improvements to a building, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure prior to the improvement. The market value of the building should be:

- (1) The appraised value of the structure prior to the start of the initial repair or improvement; or
- (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual amount of repair work performed.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified by the Code Enforcement Official, and not solely triggered by an improvement or repair project.

(mm) Substantially improved existing manufactured home parks or subdivisions. Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(nn) *Variance*. A grant of relief from the requirements of this Chapter which permits construction in a manner otherwise prohibited by this Chapter

§ 8-1-11.--§ 8-1-15. RESERVED.

ARTICLE 3

GENERAL PROVISIONS

§ 8-1-16. LANDS TO WHICH THIS CHAPTER APPLIES.

This Chapter shall apply to all areas of Special Flood Hazard within the jurisdiction Augusta, Georgia.

§ 8-1-17. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of Special Flood Hazard, identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS), dated February 15, 1978 and March 4, 1980, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this Chapter.

Areas of Special Flood Hazard may also include those areas known to have flooded historically or defined through standard

engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.

§ 8-1-18. ESTABLISHMENT OF DEVELOPMENT PERMIT.

A Development Permit shall be required in conformance with the provisions of this Chapter PRIOR to the commencement of any development activities.

§ 8-1-19. COMPLIANCE.

No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this Chapter and other applicable regulations.

§ 8-1-20. ABROGATION AND GREATER RESTRICTIONS.

This Chapter is not intended to repeal, abrogate or impair any existing, ordinance, easements, covenants or deed restrictions. However, where this Chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§ 8-1-21. INTERPRETATION.

In the interpretation and application of this Chapter all provisions shall be:

- (a) considered as minimum requirements;
- (b) liberally construed in favor of the Governing Body; and
- (c) deemed neither to limit nor repeal any other powers granted under state statutes.

§ 8-1-22. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of Augusta, GA, the Commission and/or the Augusta-Richmond County Planning Commission or any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

§ 8-1-23. ENFORCEMENT AND PENALTIES FOR VIOLATION.

Violation of the provisions of this Chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall be reported to the City Engineer. Once a violation is evident, the City Engineer, acting on behalf of the Commission, shall be empowered to notify the owner in writing of the apparent violation of this Chapter. The written notice shall direct the owner to cease the development activity until such time as the requirements and procedures of this Chapter have been met. Upon failure of the owner to comply with this notice, the City Engineer shall notify the City attorney of the violation; and the City attorney shall immediately begin legal procedures in the Superior Court of Richmond County to prevent, enjoin, abate or remove such violations in addition to injunctive relief. All persons, firms or corporations failing to comply with the mandatory provisions hereof or doing any act prohibited hereby shall be guilty of an offense and, upon conviction thereof, be fined not more than one thousand dollars (\$1000.00) or imprisoned for not more than sixty (60) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing contained herein shall prevent the Commission from taking such other lawful action as is

necessary to prevent or remedy any violation.

§ 8-1-24.--§ 8-1-28. RESERVED.

ARTICLE 4

ADMINISTRATION

§ 8-1-29. DESIGNATION OF EXECUTIVE DIRECTOR.

The Executive Director of the Augusta-Richmond County Planning Commission is hereby appointed to administer and implement the provisions of this Chapter.

§ 8-1-30. PERMIT PROCEDURES.

Application for a Development Permit shall be made to the Executive Director on forms furnished by the community PRIOR to any development activities, and may include, but not be limited to the following: plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures; earthen fill placement, storage of materials or equipment, and drainage facilities.

Specifically, the following information is required:

(a) Application stage-

- (1) Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
- (2) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;
- (3) Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria in Article 5, § 8-1-44 (b);
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and

(b) Construction stage

For all new construction and substantial improvements, the permit holder shall provide the Administrator an as-built certification of the regulatory floor elevation or flood-proofing level immediately after the lowest floor or flood-proofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertaken prior to submission of these certifications shall be at the permit holder's risk.

The Executive Director shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a Stop-Work Order for the project.

§ 8-1-31. DUTIES AND RESPONSIBILITIES OF THE EXECUTIVE DIRECTOR.

Duties of the Executive Director shall include, but shall not be limited to:

- (a) Review all Development Permits to assure that the permit requirements of this Chapter have been satisfied;
- (b) Review proposed development to assure that all necessary permits have been received from the governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.
- (c) Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the FEMA to ensure accuracy of community flood maps through the Letter Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
- (e) Verify and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures in accordance with Article 4, § 8-1-30(b).
- (f) Verify and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with Article 4, § 8-1-30(b).
- (g) When flood-proofing is utilized for a structure, the Executive Director shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Article 4, § 8-1-30(a) and Article 5, § 8-1-44(b) or Article 5, § 8-1-47(b).
- (h) Where interpretation is needed as to the exact location of the boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Executive Director shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Chapter.
- (i) When Base Flood Elevation data or floodway data have not been provided in accordance with Article 3, § 8-1-17, then the Executive Director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other sources in order to administer the provisions of Article 5.
- (j) All records pertaining to the provisions of this Chapter shall be maintained in the office of the Executive Director and shall be open for public inspection.

§ 8-1-32. VARIANCE PROCEDURES.

- (a) The Zoning Board of Appeals as established by the Commission shall hear and decide requests for appeals or variance from the requirements of this Chapter.
- (b) The Zoning Board of Appeals shall hear and decide appeals when it is alleged an error in any requirement, decision or determination made by the Executive Director in the enforcement or administration of this Chapter.
- (c) Any person aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Superior Court of Richmond County, Georgia, as provided in O.C.G.A. § 5-4-1; however all appeals shall be on the record and shall not be de novo.

(d) Variances may be issued for the repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum to preserve the historic character and design of the structure.

(e) In reviewing such requests, the Zoning Board of Appeals shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this Chapter, and:

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity to the facility of a waterfront location, in the case of functionally dependent facility;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The compatibility of the proposed use with existing and anticipated development;

(8) The relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program for that area;

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) The expected heights, velocity, duration, rate of rise and sediment transport of floodwaters and the effects of wave action, if applicable, expected at the site; and

(11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(f) Upon consideration of the factors listed above and the purposes of this Chapter, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.

(g) Variances shall not be issued within any designated floodway or lower floodway fringe if ANY increase in flood levels during the base flood discharge would result.

(h) Conditions for Variances:

(1) The provisions of this Chapter are minimum standards for flood loss reduction, therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of Historic Structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

(2) Variances shall be issued ONLY when there is:

a. a finding of good and sufficient cause;

b. a determination that failure to grant the variance would result in exceptional hardship; and

c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.

(i) The Executive Director shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(j) Variances may be issued for development necessary for the conduct of a functionally dependant use, provided the criteria of this Article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

§ 8-1-33.--§ 8-1-42. RESERVED.

ARTICLE 5

PROVISIONS FOR FLOOD HAZARD REDUCTION

§ 8-1-43. GENERAL STANDARDS.

In ALL areas of Special Flood Hazard the following provisions are required:

(a) New construction and substantial improvements of existing structures shall be anchored to prevent floatation, collapse or lateral movement of the structure;

(b) Manufactured homes shall be anchored to prevent floatation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces;

(c) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage.

(e) All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(g) Replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(h) New on-site waste disposal systems shall be located within the Special Flood Hazard Area per the provisions of the Georgia Onsite Wastewater Regulations;

(i) Any alteration, repair, reconstruction or improvements to a structure, which is not compliant with the provisions of this Chapter, shall be undertaken only if the non-conformity is not furthered, extended or replaced; and

(j) Elevated Buildings - All new construction or substantial improvements of existing structures that include ANY fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.

(1) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

a. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

b. The bottom of all openings shall be no higher than one foot above grade; and,

c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.

(2) So as not to violate the "Lowest Floor" criteria of this Chapter, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and

(3) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

§ 8-1-44. SPECIFIC STANDARDS.

In ALL areas of Special Flood Hazard the following provisions are required:

(a) New construction and substantial improvements. Where base flood elevation data are available, new construction or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 5, § 8-1-43(j), "Elevated Buildings".

(b) Non-Residential Construction. New construction or the substantial improvement of any structure located in A1-30, AE, or AH zones, may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to three (3) feet above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in Article 4, § 8-1-31(g).

(c) Standards for Manufactured Homes and Recreational Vehicles. Where base flood elevation data are available:

(1) All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in new or substantially

improved manufactured home parks or subdivisions, (3) in expansions to existing manufactured home parks or subdivisions, or (4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated no lower than three (3) feet above the base flood elevation.

(2) Manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

a. The lowest floor of the manufactured home is elevated no lower than three (3) feet above the level of the base flood elevation, or

b. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength), of no less than (36) inches in height above grade.

(3) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (ref. Article 5, § 8-1-43(b))

(4) All recreational vehicles placed on sites must either:

a.. Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or

b. The recreational vehicle must meet all the requirements for "New Construction", including anchoring and elevation requirements of Article 5, § 8-1-44(c)(1) and (3).

(d) Floodway. Located within areas of Special Flood Hazard established in Article 3, § 8-1-17 are areas designated as floodway. A floodway may be an extremely hazardous area due to the velocity of flood waters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply

(1) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.

(2) ONLY if Article 5, § 8-1-44(d)(1) above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article 5.

(3) The placement of manufactured homes, except in an existing manufactured home park or subdivision, shall be prohibited. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of § 8-1-43(b) are met, and the elevation standards of § 8-1-44(a) and the encroachments standards of subsection (1) of this Section are met.

(4) Removal of trees and other vegetation may not be a consideration in calculating the effect of proposed encroachments on flood levels during the occurrence of the base flood discharge.

(e) Floodway fringe, lower. Within the lower floodway fringe is the area between the floodway and the upper floodway fringe that is lower than a line one-half (1/2) the distance between the floodway and the boundary of the area of Special Flood Hazard. The lower floodway fringe is a transitional area that is hazardous due to its proximity to the floodway and encroachment by fill or

development within this area could have serious impact on the entire floodplain. The following provisions shall apply within the lower floodway fringe:

(1) Encroachments, including fill, new construction, substantial improvements and other developments shall be prohibited unless certification by a registered professional engineer, with supporting technical data, is provided to the Executive Director demonstrating that encroachments shall not result in any increase in flood levels during occurrence of base flood discharge;

(2) If Article 5, § 8-1-44(d)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.

(3) The placements of manufactured homes, except in an existing manufactured home park or subdivision, shall be prohibited. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Article 5, § 8-1-43(b), and the elevation standards of Article 5, § 8-1-44(a), and the encroachment standards of Article 5, § 8-1-44(d)(1) are met.

(4) Removal of trees and other vegetation may not be a consideration in calculating the effect of proposed encroachments on flood levels during the occurrence of the base flood discharge.

(f) Large tracts. If a tract contains over one (1) acre located within the area of Special Flood Hazard, then development or land disturbance on that portion of the tract located within the Special Flood Hazard area shall comply with the standards for lower floodway fringe set forth in § 8-1-44(e).

(g) Other area unsuitable for development. Land subject to flooding that is not located within a mapped area of Special Flood Hazard may, at the discretion of the Executive Director or City Engineer, be required to comply with any or all standards set forth in this Chapter.

(h) Grading in the area of the Special Flood Hazard. Grading (including excavating, filling, or any culmination thereof) shall be prohibited in the area of Special Flood Hazard except for the following:

(1) Minimum land disturbing activities such as home gardens and individual home landscaping, repairs, maintenance work and other related activities;

(2) Agricultural practices involving the establishment, cultivation or harvesting of products of the field or orchard, preparing and planting of pasture land, forestry land management practices including harvesting (where stumps are not removed), farm ponds, dairy operations, livestock and poultry management practices and the construction of farm buildings.

(3) Projects permitted by or carried out under the technical supervision of the U.S. Department of Agriculture, U.S. Army Corps of Engineers, or any other agency of the U.S. Government;

(4) Cemetery graves;

(5) Excavation for wells or tunnels or utilities

(6) Approved mining, quarrying, stockpiling of rock, sand, gravel, aggregates or clay where established and provided for by law;

(7) Exploratory excavations under the direction of soils engineers or engineering geologists;

(8) Where consistent with other provisions of this Chapter, minimum grading for land development or construction which does not result in topographic changes greater than 2 feet at any location and which is not for the sole purpose of elevating structures

pursuant to Article 5, § 8-1-44(a) and Article 5, § 8-1-44(b) of this Chapter. In no case, shall fill be transported into the Special Flood Hazard.

(9) Construction activities at existing Industrial Sites which were developed before the effective date of the FIRST Floodplain Management Ordinance adopted by Augusta, GA as a basis for Augusta's participation in the National Flood Insurance Program (NFIP), such as dikes, ditches and ponds,

(i) As-built Drawings and Certification. Within the area of the Special Flood Hazard, as-built drawings and certifications shall be provided by a registered professional engineer and/or a registered land surveyor pursuant to 8-1-30(b) and 8-1-44(b) of this Ordinance and also when required by the Site Plan Regulations or the Subdivision Regulations. As built drawings and certifications may be required in other situations at the discretion of the Executive Director.

§ 8-1-45. BUILDING STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS AND/OR FLOODWAYS (A-ZONES).

Located within the Areas of Special Flood Hazard, established in Article 3, § 8-1-17, where streams exist but where no base flood data have been provided (A-Zones), OR where base flood data have been provided but a Floodway has not been delineated, the following provisions apply;

(a) No encroachments, including structures or fill material, shall be located within an area equal to five (5) times the width of the stream or twenty (20) feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(b) In Special Flood Hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 5, § 8-1-43(j), "Elevated Buildings". The Executive Director shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

(c) When base flood elevation data or floodway data have not been provided in accordance with Article 3, § 8-1-17, then the Executive Director shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from Federal, State, or other source, in order to administer the provisions of Article 5. ONLY if data are not available from these sources, then the provisions of (a) and (b) of this Section shall apply.

§ 8-1-46. STANDARDS FOR SUBDIVISIONS

(a) All subdivision proposals shall be consistent with the need to minimize flood damage;

(b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;.

(d) Base flood elevation data shall be provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is less.

§ 8-1-47. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES).

Areas of Special Flood Hazard established in Article 3, § 8-1-17 may include designated "AO" shallow flooding areas. These areas

- have base flood depths of one to three feet (1'-3') above ground, with no clearly defined channel. The following provisions apply;
- (a) All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 5, § 8-1-43(j), "Elevated Buildings".
- The Executive Director shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.
- (b) New construction and substantial improvements of non-residential structures:
- (1) Shall have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet (3) above the highest adjacent grade.
- (2) May be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus one (1) foot, above the highest grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in Articles 4, § 8-1-30(a)(3) and Article 4, § 8-1-30(b).
- (c) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

§ 8-1-48--§ 8-1-50. RESERVED.

§ 8-1-51. SEVERABILITY.

If any Section, clause, sentence, or phrase of this Chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Chapter.

(Ord. # 6321, October 17, 2000)

CHAPTER 2

MOBILE HOMES

ARTICLE 1

IN GENERAL

§ 8-2-1.--§ 8-2-20. RESERVED.

ARTICLE 2

TAX VERIFICATION PERMITS

§ 8-2-21. DEFINED.

As used in this article, the term *mobile home* means a *mobile home* or a *relocatable home* as such term are defined in subsections (a) and (b) of section 2 of the act known as *The Uniform Standards Code for Factory-Manufactured Movable Homes Act*, approved March 26, 1968 (Georgia Laws 1968, page 415) ; provided, however, that those mobile homes which qualify the taxpayer for homestead exemption under Georgia law shall not be considered mobile homes and subject to the provisions of this chapter.

§ 8-2-22. PERSONS OWNING OR HAVING MOBILE HOME LOCATED WITHIN AUGUSTA-RICHMOND COUNTY REQUIRED TO OBTAIN.

No person shall own or have located within the limits of Augusta-Richmond County any mobile home unless application for a tax verification permit shall have been made and a permit received as provided by this article.

§ 8-2-23. OCCUPANCY OF MOBILE HOME WITHOUT VALID PERMIT PROHIBITED.

No person shall occupy any mobile home as a residence or permit any other person to occupy the same as a residence unless a tax verification permit shall have been obtained as provided by this article.

§ 8-2-24. APPLICATION; PERMIT; DECAL FORM; APPLICANT INFORMATION.

The Richmond County Tax Commissioner is hereby authorized and empowered, subject to the specific provisions of this article, to prescribe application, permit and decal forms and thereafter to alter and change the same; and said tax commissioner is empowered to require that applicants furnish such information in writing as may be reasonably required to effectuate the purposes hereof.

§ 8-2-25. PROOF OF PAID TAXES REQUIRED OF APPLICANTS.

It shall be a condition precedent to issuance of any tax verification permit required by this article that the owner of said mobile home shall submit to the Richmond County Tax Commissioner proof that all state and local taxes theretofore accruing and payable with respect to such mobile home have in fact been paid; and, if said mobile home which is to be located or relocated is then located within any portion of the county that lies within the limits of a municipality therein, such owner shall likewise submit proof that all applicable municipal taxes have been paid before a permit may be issued.

§ 8-2-26. LOCATION OR RELOCATION PERMIT--REQUIRED WHEN INITIALLY LOCATING OR RELOCATING.

(a) Before any person shall locate or relocate a mobile home within the limits of Augusta-Richmond County, he shall apply for and obtain from the Richmond County Tax Commissioner a tax verification permit authorizing such location or relocation if such mobile home is to be used as a residence by the owner thereof, as a residence for others, or for any other purposes.

(b) No person shall hereafter initially locate any mobile home or relocate any mobile home within the limits of Augusta-Richmond County without having made such application and having obtained such permit.

§ 8-2-27. SAME--REQUIRED WHEN CHANGING LOCATION WITHIN AUGUSTA-RICHMOND COUNTY OR RELOCATING OUTSIDE AUGUSTA-RICHMOND COUNTY.

The owner of a mobile home used as a residence which is located within the limits of the county may not relocate such mobile home, or cause same to be relocated, within the confines of the county or beyond such confines without first obtaining a tax verification relocation permit from the aforesaid tax commissioner authorizing such relocation.

§ 8-2-28. SAME--FEE; ISSUANCE OF PERMIT AND DECAL; PLACEMENT OF DECAL.

(a) Each application for a tax verification moving permit required by this article shall be accompanied by a fee of five dollars (\$5.00), which shall be paid to the tax commissioner before such permit shall be issued.

(b) Any owner of a mobile home who has made application for the location or relocation of a mobile home and whose application meets the qualifications of this article shall be issued a tax verification permit and shall likewise be issued a decal. The decal to be issued with a tax verification permit authorizing location of a mobile home within Augusta-Richmond County shall be same color as prescribed by state law and shall be affixed to the mobile home at all times it is being used as a residence within the confines of such county. The decal issued with the tax verification permit authorizing relocation of a mobile home shall be red in color and shall be affixed to the mobile home at all times such mobile home is being transported within the confines of this state. Such decals shall be designed in such manner and affixed to mobile homes in such manner as to cause them to be easily visible for inspection.

§ 8-2-29. SAME--NOTICE TO AUGUSTA-RICHMOND COUNTY OF DESTINATION WHENEVER RELOCATION OUTSIDE AUGUSTA-RICHMOND COUNTY AUTHORIZED.

Whenever a tax verification permit authorizing the relocation of a mobile home is issued and such mobile home is to be relocated within the confines of another county in this state, the Richmond County Tax Commissioner shall notify the tax commissioner of such other county of the date of the issuance of such permit.

§ 8-2-30. ANNUAL PERMITS FOR CONTINUED LOCATION REQUIRED; FEE; ISSUANCE OF PERMIT AND DECAL; PLACEMENT OF DECAL.

Each year every owner of a mobile home subject to taxation under the revisions of this article shall, from January first to on or before May first, make application to the tax commissioner for a mobile home location permit, and upon payment of the fee of three dollars (\$3.00) and proof of payment of taxes as provided in § 8-2-25, shall be issued a location permit. The issuance of said permit by the tax commissioner shall be evidenced by the issuance of a decal, the color of which shall be prescribed for each year by the Department of Revenue. Each decal shall reflect the county of issuance and the calendar year for which such permit is issued. The decal shall be prominently attached and displayed on the mobile home by the owner.

§ 8-2-31. ZONING REQUIREMENTS NOT SUPERSEDED BY PERMIT ISSUANCE.

The issuance of any tax verification permit under the provisions of this article shall in no way be construed as superseding the requirements for the location of mobile homes as the same may be contained within appropriate resolutions or other actions of the Augusta-Richmond County Planning and Zoning Commission, and the issuance of a tax verification permit under the provisions of this article shall not prohibit said planning and zoning commission from requiring a relocation of the mobile home to a place where such mobile home is permitted by the regulations of the Augusta-Richmond County Planning and Zoning Commission, but in such case the owner of such mobile home shall apply for and obtain a permit for such relocation as if such relocation were the result of his own initiative.

§ 8-2-32. PAYMENT OF FEES INTO TREASURY.

All sums collected by the tax commissioner under provisions of this article shall be paid into the Augusta-Richmond County treasury.

§ 8-2-33. DEALERS REQUIRED TO FILE ANNUAL INVENTORY.

All wholesale and retail dealers of mobile homes shall return their inventory of all mobile homes in their possession to the tax assessor, whether owned by them or not, on January first in each year.

§ 8-2-34. RESPONSIBILITIES OF PARK OWNERS, OPERATORS.

No owner or operator of a mobile home park shall permit any mobile home to be located or relocated within the confines of such park for residential use unless the tax verification permit required by this article shall have been obtained. No owner or operator of any mobile home park shall permit any mobile home presently located within the limits of such park owned or operated by him to remain in such park unless a tax verification permit authorizing such continued location as required by this article shall have been obtained.

§ 8-2-35. VIOLATIONS; PENALTIES.

It shall be unlawful to fail to attach and display on a mobile home the decal as required by this article; and any person who fails to attach, and display on a mobile home the decal shall be guilty of violation of this article and upon conviction thereof shall be punished as a misdemeanor as provided in § 1-6-1 of the Code, a fine of not less than \$25.00 nor more than \$200.00, except that upon receipt of proof of purchase of a decal prior to the date of the issuance of a citation, the fine shall be twenty-five dollars (\$25.00).

CHAPTER 3

SUBDIVISION OF LAND

ARTICLE 1

IN GENERAL

§ 8-3-1. INCORPORATION OF SUBDIVISION REGULATIONS.

The Land Subdivision regulations for the former City of Augusta and former unincorporated Areas of Richmond County, Georgia, as adopted on November 1, 1971, and subsequently revised, consisting of article I through article _____, inclusive (the *Subdivisions Regulations*), are included as an Appendix to this Code and are hereby incorporated in this section as if set out in full herein.

ARTICLE 2

PLATS

§ 8-3-2. PREREQUISITES TO APPROVAL OF FINAL PLAT; COMPLETION OF IMPROVEMENTS.

Prior to approval of a final subdivision plat by the Augusta-Richmond County Commission, the subdivider shall complete all improvements required by the Subdivision Regulations, as amended, to the Commission. All improvements shall be completed in a manner satisfactory to the Augusta-Richmond County Planning Commission and the Augusta-Richmond County Engineer. Final plat approval shall not be granted until the deed of dedication for such improvements has been submitted to the Augusta-Richmond County Engineer.

§ 8-3-3. GUARANTEE IN LIEU OF COMPLETION.

In lieu of requiring completion of all improvements prior to granting final plat approval, the Augusta-Richmond County Commission may, at its discretion, enter into a contract with the subdivider whereby the subdivider shall guarantee the completion of all required improvements in a manner satisfactory to the Planning Commission and the Augusta-Richmond County Engineer. To secure this contract, the subdivider shall obtain a security bond from a security company authorized to conduct business in the state or a letter from a chartered state or national bank or savings and loan institution with the state, confirming the benefit of Augusta-Richmond County, or a letter of credit from a chartered state or national bank or savings and loan institution within the state. If a bond is provided, it shall be payable to the Augusta-Richmond County Commission and shall be in an amount sufficient to cover the entire cost, as estimated by the subdivider and approved by the Augusta-Richmond County Engineer, of installing all required improvements. The duration of the bond, escrow account, or letter of credit shall be as specified in § 8-3-4.

§ 8-3-4. TIME LIMIT.

Prior to the granting of final plat approval, the subdivider and the Augusta-Richmond County Commission shall agree upon a deadline for the completion of all required improvements, such deadline not to exceed one (1) year from the date of final plat approval. The Commission may extend that deadline for one (1) additional year where the subdivider can present substantial reason for doing so.

§ 8-3-5. INSPECTION, CERTIFICATION AND ACCEPTANCE OF IMPROVEMENTS.

The Augusta-Richmond County Engineer shall regularly inspect for defects in the construction of required improvements. Upon completion of these improvements, the Augusta-Richmond County Engineer shall file with the Augusta-Richmond County Commission a statement either certifying that the improvements have been completed in accordance with applicable regulations or listing the defects in those improvements. Upon completion of the improvements, the subdivider shall file with the Commission a statement stipulating the following:

- (a) That all required improvements are complete;
- (b) That these improvements are in compliance with the minimum standards specified;
- (c) That the subdivider knows of no defects from any cause, in those improvements; and
- (d) That these improvements are free and clear of any encumbrance or lien.

The subdivider shall also file with the Augusta-Richmond County Commission an agreement dedicating such improvements to Augusta-Richmond County. If the Augusta-Richmond County Engineer has certified that the required improvements are complete and free of defects, then upon receipt of the other statements and agreements detailed above, the Commission shall accept dedication of those improvements.

§ 8-3-6. RELEASE.

Upon acceptance, in accordance with § 8-3-5, of the dedication of the required improvements, the Augusta-Richmond County Commission shall authorize the release of any improvement guarantees and approval of the final plat.

§ 8-3-7. FORFEITURE.

If any portion of the required improvements shall fail to be accepted for dedication in accordance with § 8-3-5 within the allocated time limit, either for reason of incompleteness or for reason of substandard construction, then the Augusta-Richmond County Commission shall declare the guarantee pledged under § 8-3-3 to be forfeited. Upon receipt of the secured funds, the Commission shall use them to finance the completion of required improvements or the rebuilding of such improvements to proper specification. Unused portions of the bonded amount shall be returned to the surety company.

CHAPTER 4

TREES

§ 8-4-1. PURPOSE.

This Chapter provides standards for the protection of public trees, and for the designation of landmark trees, and further provides landscaping, tree protection and tree establishment standards for the development of private property in Augusta, Georgia. It is the purpose of this Chapter to promote the public health, safety, and general welfare by provisions designed to:

- (a) Aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, wildlife habitat, groundwater recharge, and storm water runoff retardation, while concurrently facilitating noise, glare, and heat abatement;
- (b) Encourage the preservation of existing trees and vegetation;
- (c) Prevent soil erosion;
- (d) Protect and enhance the aesthetic qualities of the community;
- (e) Prevent structural and pavement saturation;
- (f) Safeguard and enhance private property values and protect private and public investments;
- (g) Conserve energy..(Ord. # 6095, October 20, 1998)

§ 8-4-2. DEFINITIONS.

- (a) *Administrator*. The executive director of the Augusta-Richmond County Planning Commission.
- (b) *Caliper*. The diameter or thickness of the main stem of a young tree or sapling as measured at six (6) inches above ground level. This measurement is used for nursery-grown trees having a diameter of four (4) inches or less.

(c) *Commission*. The Augusta-Richmond County Commission.

(d) *Diameter breast height (DBH)*. The diameter or width of the main stem of a tree as measured four and one-half (4.5) feet above the natural grade at the base of a tree. Whenever a branch, limb, defect, or abnormal swelling of the trunk occurs at this height, the DBH shall be measured at the nearest point above or below four and one-half (4.5) feet at which a normal diameter occurs.

(e) *Dripline*. An imaginary circuitous line on the ground that designates the outermost point to which the tree branches extend.

(f) *Executive Director*. Executive Director of Augusta-Richmond County Planning Commission.

(g) *Greenspace*. Any area retained as permeable unpaved ground and dedicated to supporting vegetation.

(h) *Greenspace plan*. A topographic survey map and supporting documentation which describes for a particular site where vegetation (green space) is to be retained or planted in compliance with these regulations. The greenspace plan shall include a tree establishment element, a tree protection element, and a landscaping element.

(i) *IGO*. (Illustrated Guide to Implementing the Augusta-Richmond County Tree Ordinance) A document providing standards and specifications for tree protection and tree establishment per Section VIII (c) of the Tree Ordinance for Richmond County.

(j) *Landmark trees*. Any tree determined by the tree commission and the Commission, to be of notable historic interest, high aesthetic value, or of unique character because of species, type, age, or size and therefore designated as a public landmark.

(k) *Land clearing*. The removal of all vegetation two (2) inches DBH or greater.

(l) *Landscape Establishment Bond*. A two year bond that shall be posted prior to the issuance of a Certificate of Occupancy and released after two years upon a determination that required trees and landscaping are healthy and have a reasonable chance of surviving to maturity.

(m) *Official street tree planting plan and program*. A plan and program adopted for the planting of trees along public streets, parks and other public places.

(n) *Official Tree List*. A listing of various tree species, classified by size grouping, to be used to determine the quality rating of trees to be preserved or planted as well as the Quality Points (section III of the IGO)

(o) *Planting Island*. An unpaved landscaped area located within a vehicle parking area that is defined physically by curbing or otherwise in such a way that it cannot be driven over or parked upon.

(p) *Park*. All public land set aside for open space and recreation purposes.

(q) *Public property*. Any property owned by Augusta, Georgia.

(r) *Public trees*. Any tree located on public property.

(s) *Quality points factor*. A decimal fraction that is assigned to each tree species in the tree lists and is used as a multiplier in calculating the tree quality points for any tree retained on a site.

(t) *Right-of-way*. A strip of land over which Augusta, Georgia has the right, by ownership or otherwise to construct a public street, sidewalk, or use for public utilities.

(u) *Street yard*. A greenspace parallel to the street right-of-way whose total area is equal to ten (10) times the length of the right-of-way in square feet.

(v) *Tree Commission*. An appointed board of twelve (12) members with designated duties as outlined herein.

(w) *Tree establishment element*. A topographic survey map and supporting documentation which describes for a particular site where trees are to be planted in compliance with the requirements of these regulations, the types of trees and their corresponding tree quality points.

(x) *Tree protection element*. A topographic survey map and supporting documentation which describes for a particular site where existing trees are to be retained in compliance with the requirements of these regulations, the types of trees and their corresponding tree quality points.

(y) *Tree protection zone*. The area surrounding a preserved or planted tree that is essential to that tree's health and survival, and is protected within the guidelines of this chapter.

(z) *Tree quality points (TQP)*. A unit of measurement which quantifies the relative value of trees that are planted or retained on a given site. Tree quality points quantitatively express the desirable qualities of the species with regard to size for each tree that is retained on a site. For planted trees the tree quality points are an expression of species desirability and the expected mature size of each tree.

(aa) *Vehicle display areas*. Areas where vehicles are displayed for sale or lease.

(bb) *Vehicular service area*. Any paved or unpaved area utilized by vehicles.

§ 8-4-3. ESTABLISHMENT OF TREE COMMISSION.

(a) There is hereby created the Augusta-Richmond County Tree Commission which shall consist of ten (10) members appointed by the Commission plus an additional two (2) members appointed by the Richmond County Legislative Delegation. All appointments shall be for four (4) year terms. The role of the Tree Commissioners will be to define problems, suggest solutions, and provide support; review any appeals or variances and recommend acceptance or rejection to the Administrator; annually review the Illustrated Guide to Implementing the Augusta-Richmond County Tree Ordinance (IGO) and update it as needed; and review petitions for landmark trees. The Tree Commission shall meet no less than quarterly. All members shall be residents of Augusta, Georgia. All vacancies shall be filled for the unexpired terms.

(b) All Tree Commissioners shall serve without compensation. The Augusta Commission and the Richmond County Legislative Delegation, when appointing members to the Tree Commission, shall appoint persons from the following fields of association: registered landscape architect; realtor/developer of commercial property (licensed broker who is member of board of realtors); urban forester; an agricultural extension agent; architect; engineer; an appointee from the Garden Council of Augusta; and citizens at large who have knowledge of, and interest in, trees and the urban forest. The Georgia Forestry Commission Urban Forester may serve as an ex officio member.

(c) All terms shall expire on March 30 of the applicable year, and new terms shall begin on April 1 of the applicable year.

(d) Members shall not receive a salary, although they may be reimbursed for authorized expenses.

§ 8-4-4. ADMINISTRATION AND ENFORCEMENT.

The Augusta-Richmond County Planning Commission shall have the responsibility for administering all provisions of this Chapter

that relate to the development of private lands. The Augusta-Richmond County Trees & Landscape Department shall have the responsibility of administering all provisions that relate to the development of public lands.

§ 8-4-5. PUBLIC TREE PROTECTION.

(a) Any request for the severing from the stump and removal of a tree on a public right-of-way shall be directed to the Augusta-Richmond County Trees and Landscape Department for approval. In the event approval is given, the Trees and Landscape Department shall notify the local neighborhood association, if any, and shall post on such tree for a period of fourteen (14) days a notice of their intent to remove said tree(s). Objections to removal shall be in writing and shall be directed to the Augusta-Richmond County Tree Commission for decision. Such decision of the Tree Commission shall be final, and there shall be no appeal to the Augusta Commission.

(b) Trees deemed a danger to the public or the adjoining property by the Department of Public Safety or by the Trees and Landscape Department shall be exempt from the restrictions of this section and can be removed for the safety of the public and/or adjacent properties.

(c) Nothing herein shall be construed as prohibiting the cutting and/or removal of a tree or trees incident to a road improvement project, a drainage project, or a water and sewerage project of Augusta, Georgia or the Georgia Department of Transportation.

(d) All other projects causing disturbance within rights-of-way which may cause extensive damage to trees therein shall likewise be reviewed by the Augusta-Richmond County Trees and Landscape Department for recommendations.

(e) No person or organization shall do any of the following acts to any public tree without first obtaining the proper permit form the Augusta-Richmond County Trees and Landscape Department:

(1) Cut, prune, break, damage, remove, kill or cause to be killed.

(2) Cut, disturb, or interfere, in any way, with the soil or any root within the dripline.

(3) Place, spray, or apply any chemical that is known or to be toxic to trees in a location that may be absorbed by any part of the tree.

(4) Fasten any rope, wire, sign or other device whether invasive to the tree or not.

(5) Remove or damage any guard devices placed to protect any tree.

(6) Conduct razing, removal, demolition, expansion, or renovation of any structure if deemed by the Department of Public Works to be damaging to neighboring public trees.

(7) Maintain a stationary fire or device which vaporizes noxious fumes deleterious to tree health.

(8) Pave with concrete, asphalt, or other impervious material within the dripline of any public tree unless approved construction techniques are followed as prescribed. (Ord. 5933, June 17, 1997)

§ 8-4-6. TREE PROTECTION ZONE; OFFICIAL TREE LIST.

(a) There is hereby established a tree protection zone which shall include all public right-of-way and all public lands of Augusta, Georgia.

(b) The superintendent of the Augusta-Richmond County Trees and Landscape Department, with assistance from public utility companies, the Augusta Commission, the Tree Commission and other interested groups, is hereby charged with the duty of determining the types of species of trees suitable for planting, as well as those prohibited, and the conditions under which such trees shall be planted along streets, in parks, and in public places within Augusta, Georgia. When completed, the list shall be presented to the Augusta Commission for its approval. When approved, the said report shall be known as the Official Tree List. Revisions in the Official Tree List may be made from time to time by the Augusta Commission. All trees hereafter planted on public property of Augusta, Georgia must be on the Official Tree List, unless otherwise specifically approved by the Augusta Commission.

§ 8-4-7. PLANTING AND MAINTENANCE STANDARDS.

(a) The Augusta Commission, through the Augusta-Richmond County Trees and Landscape Department shall have the authority to insist that all property owners treat or else allow the City to treat trees suffering from transmittable diseases or insect infestations which are on private property but are affecting the health of public trees on public property. If the disease infestation warrants drastic action to curb its spread to healthy public trees, at the direction of the Commission, the property owner shall remove and dispose of said trees or else allow Augusta, Georgia to do so.

(b) In case of emergencies, such as windstorms, or other disasters, the requirements of this article shall be waived during the emergency period so that the requirements of this Chapter would in no way hamper private or public work to restore order to Augusta, Georgia. This work to be done in accord with emergency standards as outlined by Augusta, Georgia.

§ 8-4-8. MOVING BUILDINGS OR OTHER LARGE OBJECTS.

No person shall move any building or other large objects which may injure any public tree or parts thereof along any street without first having obtained written permission from the superintendent of Trees and Landscape Department and then having obtained a permit from the License and Inspections Department.

§ 8-4-9. LANDMARK TREES.

The Augusta Commission may, upon petition by the property owner, designate a tree as a *landmark tree*, as defined herein. All nominations for landmark trees shall be reviewed by the Tree Commission which shall make a recommendation on such nomination to the Augusta Commission. Trees so designated shall thereafter be considered public landmarks and shall not be destroyed nor endangered except as recommended by the Tree Commission. The designation of a Landmark Tree shall be based upon an evaluation of the tree in relation to the criteria set forth in the IGO.

The designation of a landmark tree shall be based upon an evaluation of the tree in relation to the criteria set forth in the IGO.

Upon designation as a Landmark Tree, the tree shall be protected as provided in this Chapter, and the tree quality points assignment shall be based upon a quality points factor of 200 percent of the tree quality points for a preferred tree of equal DBH.

§ 8-4-10. NUISANCE TREES AND SHRUBS.

Any tree or shrub or parts thereof growing on public or private property which interferes with or endangers the use of the public streets or obscures sight distance or creates a traffic hazard on intersections or endangers the life, health, safety or property of the public, shall in the opinion of the Tree Commission be declared a public nuisance. The owner shall be notified in writing of the existence of the nuisance and be given a fifteen-day (15) period of time for instigating its correction or removal. If not corrected or removed within thirty (30) days, the Tree Commission shall cause the nuisance to be corrected or removed and the cost shall be assessed to the owner as provided by this Chapter.

§ 8-4-11. GREENSPACE REQUIREMENTS FOR PRIVATE AND PUBLIC DEVELOPMENT.

(a) *Application.* The regulations set forth in this Chapter shall apply to all properties affected by development proposals requiring site plans pursuant to section 30-2 of the Comprehensive Zoning Ordinance for Augusta, Georgia. Permits for clearing land and grading of land shall not be granted until plans as required by this Chapter have been approved.

(b) *Exemptions.* The following types of developments are exempt from compliance with any and all provisions of this Chapter:

(1) Construction (including clearing) of single family residential structures on individual lots; and

(2) The development of streets within a subdivision.

(3) Site Plans requiring grading only (no construction of improvements).

(4) Telecommunications facilities in LI or HI zoning unless the site is in view of a residential use in a residential zone, as viewed from the base of the tower.

(c) *Greenspace Plan required.* Except as herein provided, there shall be a Greenspace Plan for every applicable development. Such plan shall include a landscape element, a tree protection element, and a tree establishment element.

(d) *Landscape element.* Such element shall include a topographic survey map illustrating compliance with the design principles and standards included in the following section.

(e) *Landscape element design principles and standards.*

(1) A minimum of ten (10) percent of the total land area of any development shall be devoted to greenspace.

(2) No artificial plants, trees, or like materials shall be counted toward meeting the standards of these regulations.

(3) All retained or planted trees shall be protected or situated so as to prevent damage from environmental changes (such as a lowered water table) or land disturbance resulting from any building or facility construction.

(4) Sidewalks, curbing, or any other paved or impermeable surfaces within the greenspace area shall not count towards the ten (10) percent minimum greenspace or street yard requirement.

(5) A street yard area shall be provided along any existing or proposed public street right-of-way or private right-of-way adjacent to or adjoining the property except for those portions of the lot used for driveways. Detention or retention ponds at the front of the property near the right-of-way do not relieve the developer from installing the required street yard. For site plans that include fewer than one hundred (100) total parking and loading spaces, the area of the street yard shall be ten (10) times the length of the right-of-way frontage in square feet, and the minimum width at any point shall be seven and one-half (7 1/2) feet measured perpendicular to the right-of-way. If two (2) street yards cross, count the overlapped area only once. Street yards shall be landscaped and properly maintained by the owner and shall have live vegetation, groundcover, grass, trees, shrubs and may, unless otherwise prohibited, include fences and walls and plantings for parking areas. Each street yard shall have at least one (1) tree for each forty (40) linear feet on center of street frontage. All planted trees must be at least three (3) inches in caliper, have a single trunk, and be unbranched to six (6) feet. In zoning districts where zero setbacks are permitted by the Comprehensive Zoning Ordinance for structures adjoining public street right-of-way, the street yard and its plantings may be located upon the public property if approved by the Department of Public Works. In all other cases, the street yard must be located on private property. For site plans that include one hundred (100) or more total parking and loading spaces, the area of the street yard shall be twenty (20) times the length of the right-of-way frontage in square feet, and the minimum width at any point shall be fifteen (15) feet. When a use of land is intensified or expanded in such a way that the required parking must be increased more than twenty (20) percent (except for parking areas where a twenty (20) percent increase would be less than 5 new spaces) then the entire site including the already developed area must be provided with a street yard that is at least five (5) times the length of the right-of-way frontage in square feet, and the minimum

width at any point is two (2) feet.

(6) Parking lots (excluding vehicle display areas) providing over twenty (20) spaces shall contain interior landscaped areas. This section shall apply to any surface parking lot or loading area or vehicular service area or portions thereof built after the adoption of this Chapter. The number, size, and shape of interior landscaped areas shall be at the discretion of the owner subject to the following provisions:

a. A minimum of five (5) percent of the total interior area of parking lots, loading areas, and vehicular use areas (except vehicle display areas) shall be devoted to landscaping. Required street yards may not count towards the five (5) percent. For site plans that include fewer than 100 total parking and loading spaces there shall be no more than twelve (12) consecutive parking spaces between planting islands, which must be at least one hundred (100) square feet in area with a minimum width of eight (8) feet measured inside of curb to inside of curb. On such site plans one of every five (5) required planting islands must be a minimum of 37.5 feet in length and eight (8) feet in width, inside of curbing, unless all parking spaces are arranged around the perimeter of the parking lot. For site plans that include one hundred (100) or more parking spaces and loading spaces there shall be no more than twenty (20) consecutive parking spaces between planting islands, which must be at least three hundred (300) square feet in area with a minimum width of twelve (12) feet measured inside of curb to inside of curb. When a use of land is intensified or expanded in such a way that the required parking must be increased more than fifty (50) percent (except for where such an increase would be less than twenty (20) spaces), the new parking area must conform to the requirements of this subsection and the already developed parking area must be retrofitted with planting islands at a rate of one for every twenty (20) spaces which is no less than one hundred (100) square feet in area and with a minimum width of eight (8) feet. All internal planting areas shall be landscaped with approved plant materials compatible with accepted arboricultural practices as set forth in the IGO. The area devote to interior planting islands may be deducted from the required parking area pursuant to Section 4-2 of the Zoning Ordinance at a rate of one (1) space per two hundred (200) square feet of planting island except that the requirement of spaces shall not be reduced over ten (10) percent.

For the purposes of calculating consecutive parking spaces, handicapped parking spaces shall equal one and one-half (1-1/2) parking spaces. (Ord. # 6371, May 1, 2001.)

b. Within parking areas, trees shall be provided at the minimum rate and size of one medium or large shade tree for every 3,000 square feet of total surface area. No parking space shall be further than 65 feet from the trunk of a shade tree with no intervening building.

c. Within existing parking areas, all new curbing around landscaped islands shall match existing curbing within the site. If no curbing is present within the site, then concrete curb and gutter, per City of Augusta standards and specifications, shall be used around landscaped islands.

In new parking areas, all curbing around landscaped islands shall be concrete curb and gutter, as approved by the City Engineer. (Ord. # 6373, May 1, 2001).

(7) Lighting serving to illuminate a parking area shall not be located within a planting island.

(8) A permanent water source shall be provided not more than one hundred (100) feet from any planted tree.

(9) Where the rear property line in a multiple-family residential, professional, commercial or industrial zone abuts an R-1 zone or single-family residence, a buffer strip not less than twenty (20) feet in width shall be provided at the time that development of the multiple-family residential, professional, commercial or industrial zoned property occurs. This buffer strip shall be designed to provide a year round visual screen that is at least eight (8) feet in height and completely blocks the view of the subject property by a person standing just across the property line on the adjoining residential property. It may consist of solid board fencing (maximum height six (6) feet) accompanied by trees spaced on 40 foot centers, masonry walls (maximum height six (6) feet), evergreen plant materials, berms, rocks, mounds, or combinations thereof to achieve the objective. Where plant materials are utilized, they must be of such variety, quality, and quantity that the objective could be expected to be accomplished within three (3) years. No buildings, structures, storage of materials, or parking shall be permitted within this buffer area. Buffer areas shall be maintained and kept free of all debris, rubbish and weeds. (Ord. # 6374, May 1, 2001).

(10) Where the side property line in a multiple-family, professional, commercial, or industrial zone abuts an R-1 zone, and a parcel is located in a block that 50 percent or more of the street frontage on the same side of the street is zoned single-family residential, or where 50 percent or more of the street frontage within 750 feet on both sides of the parcel on the same side of the street is zoned single-family residential, a buffer strip not less than ten (10) feet wide along the side property line(s) shall be provided. Said buffer strip shall begin at the front setback line and extend along the entire remaining side boundary line of the parcel being developed. It shall consist of a "shadowbox" style fence or another style wooden or masonry fence that has two finished sides at least six (6) feet in height on or within two feet of the property line, and plant materials as set forth in the Illustrated Guide spaced no more than one-half the plant width at maturity per the Illustrated Guide along the entire length of the fence. Buffer areas shall be maintained and kept free of all rubbish and debris.

(11) The mature or ultimate spread of planted trees shall be shown on the Greenspace Plan. Planted trees shall be spaced according to the following minimum standards in order to qualify for tree quality points:

*large trees - thirty (30) feet apart

*medium trees - twenty (20) feet apart

*small trees - fifteen (15) feet apart

(f) *Tree protection and tree establishment elements.* Land cleared for development or land being proposed for development shall have, after development, not less than one thousand (1,000) tree quality points (TQP) per acre on a given site. Large Industrial Sites may be exempt from this requirement at the discretion of the Administrator. Tree quality points shall only be calculated on the acreage of the site that is being developed. Undeveloped portions of the site shall not be required to provide tree quality points (including street yard requirements) nor shall tree quality points for existing trees be counted toward the requirements of the developed portion of the site. Tree protection and tree establishment elements may be provided separately or collectively depending on the nature, complexity, and scale of the development. Such elements shall include a topographic survey map showing:

(1) Existing tree cover and tree cover that is to be removed.

(2) The location and species of all trees to be retained on the developed portion of the site for which tree quality points are to be claimed, including their DBH, tree quality points, and their tree protection zones. Where a grouping or cluster of twenty (20) or more trees is located within a proposed tree protection zone, the location of individual trees within such cluster is not required to be spotted on the plan, provided the number of trees for each species within the cluster is given and the average DBH is identified for each species. Existing trees on undeveloped portions of the site (i.e. future development) cannot be counted toward Tree Quality Points.

(3) The location, species, and DBH of all trees located on adjacent rights-of-way.

(4) A listing of all trees to be planted on the site for which tree quality points are to be claimed, giving their respective species, caliper, and tree quality points.

(5) A description of tree planting specifications if different from those listed in the Illustrated Guide to Implementing the Augusta-Richmond County Tree Ordinance (IGO).

IGO and any amendments thereto are hereby adopted by reference. The guide will be reviewed annually by the Tree Commission with the updated version being adopted by reference and each time made a part hereof. All Greenspace Plans shall be provided in a manner consistent with provisions contained therein.

(g) *Tree protection and tree establishment standards.* Tree protection zones shall be established and maintained for all trees

preserved or planted on a site for which tree quality points are to be claimed. The following provisions apply to such zones and the trees within them.

(1) The tree protection zone shall have a dimension of not less than one-half (1/2) the distance to the dripline of the preserved tree, or the minimum tree protection zones for planted trees set forth in Table 1; whichever is greater. Tree protection zones shall be barricaded prior to the commencement of construction and until the Certificate of Occupancy has been issued.

(2) The area within any tree protection zone must remain open and unpaved. The use of perforated pavement may be allowed subject to the approval of the administrator.

(3) A plan shall accompany all applications identifying how existing trees within tree protection zones are to be protected during clearing and construction of the project. Such a plan shall be approved by the Administrator upon a finding that the plan adequately addresses the criteria set forth in IGO.

(4) No vehicles shall be parked, or construction material stored, substances poured, disposed of, or placed, within any tree protection zone at any time during clearing or construction of the project.

(5) No change in grade within the tree protection zone shall be allowed except for a maximum addition of two (2) inches of sandy loam topsoil covered with mulch.

(6) Tree wells or tree walls (islands) shall be constructed as needed to protect the preserved trees from grade changes which result in changes of water supply to the tree protection zone. Adequate means for drainage of excess moisture from the tree protection zone shall be provided if tree wells or tree walls are constructed.

(7) For planted trees, the minimum size Tree Protection Zone centered upon the planted tree shall be as specified in Table 1.

(8) The ground elevation where trees are to be planted in a street yard shall be within five (5) feet of the ground elevation of the street right-of-way.

Table 1

Minimum Tree Protection Zone for Planted Trees.

<u>Mature Tree Size</u>	<u>Minimum Area Square Feet</u>	<u>Protection Zone</u>
small *	16	2.0' radius
medium *	66	3.0' radius
large *	200	4.0' radius

** A listing of small, medium, and large trees is found in IGO*

*** Protection Zone = Minimum distance from tree trunk to edge of dripline.*

(h) Tree quality points.

(1) Tree quality points shall be assigned to preserved or planted trees as follows:

a. All preserved trees must be at least four (4) inch caliper to qualify for tree quality points.

b. All large and medium planted trees must be at least three (3) inch caliper, have a single trunk, and be unbranched to six (6) feet in order to qualify for tree quality points. Small planted trees as defined in the IGO must be at least one (1) inch caliper and while multi-trunk small trees may be utilized, the largest trunk must be at least one (1) inch caliper and 6 feet in height to qualify for tree quality points.

(2) Tree quality points for planted trees. Quality points are assigned to newly planted trees as defined in the following table and only if planted in accordance with IGO specifications. The species lists contained in the above guide identifies tree types by size.

Table 2

Tree Quality Points for Planted Trees

<u>Mature Size</u>	<u>Acceptable</u>	<u>Recommended</u>	<u>Preferred</u>
small *	1	3	7
medium *	4	12	28
large *	13	39	91

** A listing of small, medium, and large trees is found in the IGO.*

(3) Tree quality points for preserved trees. Quality points for trees preserved on the site are directly related to the tree species quality and the tree protection zone that must be provided for the tree. For preserved trees, tree quality points are calculated by squaring the tree's DBH (diameter at breast height) and multiplying this number by the applicable quality points factor. If the calculated tree quality points is less than that given for planted trees in Table 2, then the greater number will apply.

$$\text{DBH} \times \text{DBH} \times (\text{Quality Points Factor}) = \text{Tree Quality Points}$$

Table 3

Tree Quality Points Factor

<u>Tree Quality Rating</u>	<u>Quality Points Factor *</u>
----------------------------	--------------------------------

Acceptable	0.2
Recommended	0.6
Preferred	1.4
Landmark Trees	2.0

** The assigned quality points factor is found in the Tree Species Lists in IGO.*

8-4-12. COMPLIANCE.

All improvements shown in the Greenspace Plan shall be constructed and all plant materials shall be in place and approved by the Augusta-Richmond County Trees & Landscape Department before a Certificate of Occupancy will be issued for any use of land or structure(s) that is not exempted from this Ordinance. If at the time of request for a Certificate of Occupancy the required landscaping is not in place and it can be determined by the Trees & Landscape Department that unavailability of plant materials or that weather conditions prohibit completion of this planting, then the developer may, at the discretion of the Executive Director, provide an executed contract binding for one (1) year from the date of application that provides for the completion of such landscaping work and also a performance bond or an irrevocable letter of credit from a federally insured lender in an amount to be approved by the Trees & Landscape Department commensurate with the cost of completing the required landscaping.

Existing trees or other landscape features as delineated on previously approved Site Plans and subsequently installed to conform with the minimum standards of this Ordinance may not be removed or altered without prior approval of the Tree Commission. (Ord. # 6372, May 1, 2001).

§ 8-4-13 LANDSCAPE ESTABLISHMENT BOND.

A two year Landscape Establishment Bond shall be posted with the Administrator prior to issuance of the Certificate of Occupancy. This bond shall be in the amount of the contract award for landscaping or in an amount determined by the Trees and Landscape Department, whichever id higher. After 18 months, the Trees and Landscape Establishment period the Trees and Landscape Department shall inspect the site and make a determination as to whether or not the required trees and landscaping are healthy and have a reasonable chance of surviving to maturity. Upon such a finding, the bond shall be released at the end of the two year Landscape Establishment period. In absence of such a finding the bond shall not be released and the owner of the property shall be notified to replace the unhealthy trees and landscaping or take other appropriate action as required by the Trees and Landscape Department. If the owner fails to comply with the decision of the Trees and Landscape Department within sixty (60) days of receiving a written notice, then the City shall use the bond to the extent necessary to bring the property into compliance with the provisions of these regulations.

Before release of the Landscape Establishment Bond, documentation shall be signed by the Owner certifying that the required trees located on the site will not be removed nor shall the canopy of required trees be reduced without prior approval of the Tree Commission. (Ord. # 6370, May 1, 2001.)

§ 8-4-14. APPEALS AND VARIANCES.

(a) Decisions of the Administrator may be appealed to the Augusta-Richmond County Tree Commission. The Tree Commission shall also hear requests for variances from the provisions of this chapter. The Tree Commission shall review the appeal or variance and make its recommendations to the Administrator. Forms for such purpose will be provided by the Administrator.

(b) Variances shall only be granted upon a determination that the variance is the minimum necessary to afford relief and when in the opinion of the Tree Commission relief is justified.

(c) Variances shall only be granted upon:

(1) A determination that failure to grant the variance would result in exceptional hardship, and;

(2) A determination that the granting of a variance will not adversely impact the intents and purposes of these regulations.

(d) The Tree Commission may approve, deny, or approve with conditions a request for variance. Conditional approval may be granted where mitigation of the impact is agreed upon by the Tree Commission and the Petitioner.

§ 8-4-15. ABROGATION AND GREATER RESTRICTIONS.

This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another regulation conflict or overlap, whichever regulation imposes the more stringent restrictions shall prevail.

§ 8-4-16. SEVERABILITY.

If any provision of this Chapter is declared to be invalid, such declaration shall not affect, impair, or invalidate the remaining provisions of this Chapter.

§ 8-4-17. ENFORCEMENT, VIOLATION AND PENALTY.

The Trees and Landscape Department shall report all violations of the provisions of this Chapter or failure to comply with any of its requirements to the Administrator. Once a violation is evident, the Administrator, acting on behalf of the Augusta Commission, shall notify the owner in writing of the apparent violation of this Chapter. The written notice shall direct the owner to cease the violation until such time as the requirements and procedures of this Chapter have been met. Upon failure of the owner to comply with this notice, the Administrator shall notify the Augusta City Attorney of the violation and the Augusta City Attorney shall immediately begin legal procedures in the Superior Court of Richmond County to prevent, enjoin, abate, or terminate such violations in addition to injunctive relief. All persons, firms or corporations failing to comply with the mandatory provisions hereof or doing any act prohibited hereby shall be guilty of a misdemeanor and shall be punished as provided in § 1-6-1 of this Code. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Augusta Commission from taking such other lawful action as is necessary to prevent or remedy any violation.

CHAPTER 5

ZONING

ARTICLE 1

-

IN GENERAL

§ 8-5-1. INCORPORATION OF ZONING ORDINANCE BY REFERENCE.

The comprehensive zoning ordinance of the City of Augusta and unincorporated areas of Richmond County, as adopted on March 25, 1963 and subsequently revised, consisting of section 1 through section 37, inclusive, is hereby incorporated in this section as if set out in full herein. (Amended and rewritten Sept. 16, 1997)

§ 8-5-2. AMENDMENTS TO ZONING ORDINANCE, MAP AND SUBDIVISION REGULATIONS.

Any amendments to the Augusta-Richmond County Comprehensive Zoning Ordinance, the zoning maps, and any amendments to the subdivision regulations of land shall be made when the Commission determines that such a change would be in the best interest of Augusta-Richmond County.

§ 8-5-3.--§ 8-5-10. RESERVED.

ARTICLE 2

ROAD NAMING AND ADDRESSING

§ 8-5-11. AUTHORITY.

This Article is enacted pursuant to the authority conferred by Section 46-5-122 of The Official Code of Georgia Annotated, as amended, to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of Augusta, Georgia.

§ 8-5-12. SHORT TITLE.

This Article shall be known as the Road Naming and Addressing Ordinance for Augusta, Georgia.

§ 8-5-13. JURISDICTION.

The provisions set forth herein shall apply to those roads, both public and private (including manufactured home parks, condominium developments, apartment complexes or office parks), which are or will be located within Augusta, Georgia, or within certain municipalities in Richmond County, Georgia upon the request of the appropriate elected officials of said municipalities.

§ 8-5-14. PURPOSE.

The purpose of this Article is to provide a system of unique road names and addresses which is essential to the successful implementation of the E-911 Emergency Services System, and is therefore, essential to the efficient and effective provision of such services as police, fire, and emergency medical services. (Ord. # 6068, August 4, 1998)

§ 8-5-15. ASSIGNMENT OF RESPONSIBILITY FOR NAMING ROADS AND ADDRESSING OF SAID ROADS.

The Augusta-Richmond County Planning Commission is hereby assigned overall authority and responsibility for the naming of public and private roads as directed by the provisions of this Article.

§ 8-5-16. APPROVAL OF ROAD NAMES.

All proposed road names shall be reviewed and approved by the Augusta-Richmond County Planning Commission and authorized by action of the Augusta-Richmond County Commission before the road names become official and before road signs are erected. The appropriate tax map(s) shall be amended by the Tax Assessor's office to reflect new road names approved by action of the Augusta-Richmond County Commission.

§ 8-5-17. ESTABLISHMENT OF UNIFORM NUMBERING SYSTEM.

The Augusta-Richmond County Planning Commission shall develop and maintain a uniform scaled system of numbering roads. This addressing system shall be used in designating addresses for new and existing structures and to resolve address problems which tend to confuse the traveling public or tend to delay the response of emergency services, mail delivery and other service providers.

§ 8-5-18. ISSUANCE OF STREET AND/OR MAILING ADDRESSES.

(a) Street and/or mailing addresses shall be issued by the Augusta-Richmond County Planning Commission for all principal dwellings and buildings located on all officially mapped public and private roads within Augusta, Georgia and within certain municipalities in Richmond County, Georgia upon the request of the appropriate elected officials of the municipalities.

(b) Addresses will be provided only on those roads which have been assigned a name in accordance with the guidelines set forth in this Article.

(c) Each new dwelling or principal structure will be assigned an address at the time that a building permit, mobile home permit, or other similar permit is issued by the appropriate issuing authority.

(d) No building permit shall be issued for any principal dwellings or buildings until the owner has obtained the official address from the Augusta-Richmond County Planning Commission.

(e) The certificate of occupancy for any structure erected, repaired or modified after the effective date of this Article shall be withheld by the License and Inspections Department until the address is posted on the structure as outlined in this Article.

§ 8-5-19. RESPONSIBILITY FOR PLACEMENT OF NUMBERS.

(a) The owner, occupant, or agent of each house, building or other structure assigned an address under the uniform numbering system shall place or cause to be placed the number on the house, building, or other structure within 30 days after receiving notification from the Augusta-Richmond County Planning Commission of the proper number assignment.

(b) Further, the owner, occupant or agent of any existing house, building or other structure existing as of the date of the adoption of this Article, shall place or cause to be placed the number on the house, building or other structure within 30 days after the adoption of this Ordinance.

(c) Cost and installation of the number must be paid for by the property owner or occupant. Residential numbers must not be less than three inches in height. Business numbers must not be less than four inches in height. All numbers must be made of a durable, clearly visible material and must contrast with the color of the house, building, or other structure. Reflective

numbers for nighttime identification are strongly recommended.

(d) The number must be conspicuously placed immediately above, on or at the side of the appropriate door so that the number is visible clearly from the road. In cases where the building is situated more than fifty feet from the road, the number must be placed upon the mailbox or near the driveway so as to be easily read from the road.

§ 8-5-20. LOCATION AND INSTALLATION.

Sign location and installation shall be in accordance with the specifications for road name signs as set for in the Comprehensive Zoning Article for Augusta, Georgia.

§ 8-5-21. NEW ROADS.

(a) The naming of new roads, such as in new subdivisions, shall be reviewed and approved by the Augusta-Richmond County Planning Commission according to the present procedures of the Augusta-Richmond County Planning Commission and authorized by action of the Augusta-Richmond County Commission before the road names become official.

(b) The names of new roads must not duplicate or be similar to an existing road name within Richmond County, Georgia's geographical area.

(c) Existing duplicate road names may be changed as necessary by Augusta, Georgia to ensure efficiency of the emergency response system.

§ 8-5-22. EXISTING ROADS.

(a) All public roads (those maintained by Augusta, Georgia and those maintained by the Georgia Department of Transportation) shall be named. All private roads requiring Augusta-Richmond County Planning Commission approval (both subdivision and site plan roadways depicting multiple buildings) shall be named.

(b) In the event of a conflict in either road naming or addressing, the Augusta-Richmond County Planning Commission staff will use its best judgment to resolve the conflict.

§ 8-5-23. LIABILITY.

Augusta, Georgia, its officers, agents or employees, together with any person following their instructions in rendering services, are not liable for civil damages as a result of an act or omission under this Article, including but not limited to, developing, adopting, operating, or implementing an addressing system or plan.

§ 8-5-24. EFFECTIVE DATE.

This Article shall take effect on the first day following final reading and adoption.

§ 8-5-25. PROVISIONS SEVERABLE.

(a) All provisions in other Ordinances for Augusta, Georgia in conflict with this Article are hereby repealed.

(b) If any provisions of this Article or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Article which can be given effect without the invalid provision or application and to this end, the provisions of this Article are severable.

CHAPTER 6

GROUNDWATER RECHARGE PROTECTION

§ 8-6-1. AUTHORITY.

The Official Code of Georgia Annotated § 12-2-8 requires that certain minimum standards shall be adopted by local governments to protect groundwater recharge areas. The Ordinance conforms to these minimum standards and also the minimum standards of Chapter 391-3-316, Rules for Environmental Planning Criteria, Georgia Department of Natural Resources Environmental Planning Division.

§ 8-6-2. SHORT TITLE.

This Ordinance shall be known as the Groundwater Recharge Area Protection Ordinance of Augusta, Georgia.

§ 8-6-3. PURPOSE.

In order to provide for the health, safety, and welfare of the public and a healthy economic climate within Augusta, Georgia and surrounding communities, it is essential that the quality of public drinking water be ensured. For this reason, it is necessary to protect the subsurface water resources that Augusta, Georgia and surrounding communities rely on as sources of public water. Groundwater resources are contained within aquifers, which are permeable, rock strata occupying vast regions of the subsurface. These aquifers are replenished by infiltration of surface water runoff in zones of the surface known as groundwater recharge areas. Groundwater is susceptible to contamination when unrestricted development occurs within significant groundwater recharge areas. It is, therefore, necessary to manage land use within groundwater recharge areas in order to ensure that pollution threats are minimized. (Ord. # 6093, October 20, 1998)

§ 8-6-4. OBJECTIVES.

The objectives of this ordinance are:

(a) Protect groundwater quality by restricting land uses that generate, use or store dangerous pollutants in recharge areas;

(b) Protect groundwater quality by limiting density of development; and

(c) Protect groundwater quality by ensuring that any development that occurs within the recharge area shall have no adverse effects on groundwater quality.

§ 8-6-5. ESTABLISHMENT OF A GROUNDWATER RECHARGE AREA DISTRICT.

A Groundwater Area District is hereby established which shall correspond to all lands within the jurisdiction of Augusta, Georgia, except for those lands which lie to the east of the Center of Georgia Railroad as shown on the map of Most Significant Groundwater Recharge Areas of Georgia.

§ 8-6-6. DETERMINATION OF POLLUTION SUSCEPTIBILITY.

Each recharge area shall be determined to have a pollution susceptibility of high, medium or low, based on the Georgia Pollution Susceptibility Map prepared by the Georgia Department of Natural Resources.

§ 8-6-7. PERMIT REQUIREMENTS, ADMINISTRATION, AND ENFORCEMENT.

Within the Groundwater Recharge Area District, no building permit, site plan or subdivision plan will be approved by Augusta, Georgia unless the permit or plan is in compliance with the groundwater protection standards listed in § 8-6-11.

§ 8-6-8. PERMIT REQUIREMENT.

A building permit or a development permit within the Groundwater Recharge Area District shall not be issued until a site plan or subdivision plat, whichever is appropriate, has been reviewed and approved which illustrates compliance with the Groundwater Recharge Area Protection Ordinance. The requirements for site plans are to be found in the Site Plan Regulations for Augusta, Georgia, and the requirements for subdivision plats are to be found in the Subdivision Regulations for Augusta, Georgia. Those construction or development projects which are exempted under the Site Plan Regulations are likewise exempted from the requirements of this Ordinance.

§ 8-6-9. ADMINISTRATION.

The Executive Director of the Augusta-Richmond-County Planning Commission is hereby designated as the administrator for this ordinance.

§ 8-6-10. ENFORCEMENT.

(a) Augusta, Georgia, its agents, officers and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this ordinance and may take or cause to be made such examinations, surveys or sampling as Augusta, Georgia deems necessary. The Director of Public Works shall have authority to enforce this ordinance and address violations or threatened violations hereof by issuance of violation notices, administrative orders and civil and criminal actions. All costs, fees and expenses in connection with such actions may be recovered as damages against the violator.

(b) Law enforcement officials or other officials having police powers shall have authority to assist the Director of Public Works in enforcement.

(c) Any person who commits, takes part in or assists in any violation of any provision of this Ordinance shall be fined not more than \$500 for each offense. Each violation shall be a separate offense and, in the case of continuing violation, each day's continuance shall be deemed to be a separate and distinct offense.

(d) The Director of Public Works shall have the authority to issue cease and desist orders in the event of any violation of this Ordinance. Cease and desist orders may be appealed to a court of competent jurisdiction, as identified in § 8-6-12.

(e) When a building or other structure has been constructed in violation of this Ordinance, the violator shall be required to remove the structure.

(f) When removal of vegetative cover, excavation or fill has taken place in violation of this Ordinance, the violator shall be required to restore the affected land to its original contours and to restore vegetation, as far as practicable.

§ 8-6-11. GROUNDWATER PROTECTION STANDARDS.

Within the Groundwater Recharge Area District, the following minimum standards shall apply:

(a) Waste Disposal Facilities. All new waste disposal facilities must have synthetic liners and leachate collection systems.

(b) Agricultural Impoundments. New agricultural impoundments shall meet the following requirements:

(i) For areas of high susceptibility, a liner shall be provided that is approved by the U.S. Soil Conservation Service (SCS).

(ii) For areas of medium susceptibility, an SCS-approved liner shall be provided if the site exceeds 15 acre feet.

(c) Land Disposal. No land disposal of hazardous waste shall be permitted within any Significant Groundwater Recharge Area.

(d) Spill and Leak Protection. For all Significant Groundwater Recharge Areas, the handling, storage and disposal of hazardous materials shall take place on an impermeable surface having spill and leak protection approved by the Georgia Department of Natural Resources, Environmental Protection Division (EPD).

(e) Secondary Containment. For all Significant Groundwater Recharge Areas, new above-ground chemical or petroleum storage tanks larger than 660 gallons must have secondary containment for 110 percent of tank volume or 110 percent of the largest tanks in a cluster of tanks.

(f) Wastewater Basins. For High Pollution Susceptibility Areas, new wastewater treatment basins shall be an impermeable liner approved by EPD

(g) Stormwater Basins. For High Pollution Susceptibility Areas, no new stormwater infiltration basins may be constructed.

(h) Wastewater Spray and Sludge Operation. For High Pollution Susceptibility Areas, wastewater spray irrigation systems or the land spreading of wastewater sludge shall be practiced in accordance with Department of Natural Resources criteria for slow rate land treatment. An application for a development permit for activities involving wastewater spray irrigation or land spreading of wastewater sludge must be accompanied by proof that the applicant has received a Land Application System permit from EPD.

(i) Minimum Lot Sizes and Septic Systems. New homes served by septic tank/drain systems shall conform to minimum lot size requirements identified in Tables 1-3 below. (Note: No construction may proceed on a building permit or mobile home to be served by a septic tank without approval of the proposed septic system by the Richmond County Health Department). The following shall be exempted from all provisions of this Ordinance related to lot size:

a. Lots which are included on an "Overall Concept Plan" per Section 104.3 of the Subdivision Regulations, or a "Sketch Plan" per Section 200.1 of the Subdivision Regulations and submitted prior to 5:00 p.m. on the date of adoption of this Ordinance; and

b. Lots which are included on a "Development Plan" per Article III of the Subdivision Regulations and submitted prior to 5:00 p.m. on December 31, 1998; and

c. "Lots of record" (as defined herein) prior to 5:00 p.m. on December 31, 1998.

TABLE 1. Minimum Lot Size Requirements. Source: DHR Manual for On-Site Sewerage Management Systems.

Pollution Susceptibility	New Homes Served by Septic Systems	New Mobile Homes Served by Septic Systems
High	150% of minimum lot sizes specified in Table 2	150% of minimum lot sizes specified in Table 3
Medium	125% of minimum lot sizes specified in Table 2	125% of minimum lot sizes specified in Table 3
Low	110% of minimum lot sizes specified in Table 2	110% of minimum lot sizes specified in Table 3

TABLE 2. Single Family Home Minimum Lot Size where served by On-Site Septic Tank Systems. Source: DHR Manual for On-Site Sewerage Management Systems.

<u>SOIL GROUP (SEE APPENDIX)</u>					
<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	
	<u>MINIMUM LOT SIZE IN SQUARE FEET</u>				
<u>0-5</u>	<u>30000</u>	<u>39000</u>	<u>48000</u>	<u>51000</u>	<u>60000</u>
<u>5-15</u>	<u>33000</u>	<u>42000</u>	<u>51000</u>	<u>54000</u>	<u>66000</u>
<u>15-25</u>	<u>36000</u>	<u>45000</u>	<u>54000</u>	<u>57000</u>	<u>N/A</u>
<u>25-35</u>	<u>39000</u>	<u>48000</u>	<u>57000</u>	<u>60000</u>	<u>N/A</u>

TABLE 3. Mobile Home Parks Lot Size where served by On-Site Septic Tank Systems. Source: DHR Manual for On-Site Sewerage Management Systems.

<u>SOIL GROUP (SEE APPENDIX)</u>					
<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	

	<u>MINIMUM LOT SIZE IN SQUARE FEET</u>				
<u>0-5</u>	<u>10000</u>	<u>13000</u>	<u>16000</u>	<u>17000</u>	<u>20000</u>
<u>5-15</u>	<u>11000</u>	<u>14000</u>	<u>17000</u>	<u>18000</u>	<u>22000</u>
<u>15-25</u>	<u>15000</u>	<u>18000</u>	<u>18000</u>	<u>19000</u>	<u>N/A</u>
<u>25-35</u>	<u>13000</u>	<u>16000</u>	<u>19000</u>	<u>20000</u>	<u>N/A</u>

§ 8-6-12. JUDICIAL REVIEW.

(a) Jurisdiction. All final decisions of Augusta, Georgia concerning denial, approval or conditional approval of a permit shall be reviewable by appeal to the Superior Court of Richmond County. The procedure for said appeal shall be the same as an appeal to the Superior Court from any decision made by the Probate Court as provided by the laws of Georgia, except that said appeal shall be filed within thirty (30) days from the date of the decision of denial, approval, or conditional approval; and upon failure to file said appeal within thirty (30) days, the decision of denial, approval or conditional approval shall be final.

(b) Alternative Actions. Based on these proceedings and the decisions of the court , Augusta may, within a time specified by the court, elect to:

(i) Institute negotiated purchase or condemnation proceedings to acquire an easement of fee interest in the applicant's land;

(ii) Approve the permit application with lesser restrictions or conditions (i.e., grant a variance); or

(iii) Institute other appropriate actions ordered by the court that fall within the jurisdiction of Augusta, Georgia.

§ 8-6-13. AMENDMENTS.

These regulations may, from time to time, be amended in accordance with procedures and requirements in the general statutes and as new information becomes available.

§ 8-6-14. ASSESSMENT RELIEF.

Assessors and boards of assessors shall consider the requirements of these regulations in determining the fair market value of the land.

§ 8-6-15. SEPARABILITY AND ABROGATION.

All sections and subsections of this ordinance are considered separate and distinct. Should any section, subsection, paragraph or part of this ordinance be declared by a court of jurisdiction to be invalid for any reason, it shall not invalidate any other section, subsection, paragraph or part of this ordinance.

§ 8-6-16. DEFINITIONS.

(a) Aquifer - Any stratum (rock layer) or zone of rock beneath the surface of the earth capable of containing or producing water from a well. (Note: This is the same definition used in the Groundwater Use Act).

(b) Groundwater Recharge Area (synonymous with Aquifer Recharge Area) - An area of the Earth's surface where water infiltrates the ground, thereby replenishing the groundwater supplies within the aquifer.

(c) Lot of Record - A parcel of land the dimensions of which are shown on a map on file with the Clerk of Superior Court of Richmond County, Georgia, or in common use by county officials, and which actually exists as so shown, or any part of such parcel held in a recorded ownership separate from the ownership of the remainder thereof.

(d) Pollution Susceptibility - The relative vulnerability of groundwater to pollution from chemical spills, leaching of pollutants from dump sites, animal waste from agricultural operations or pollution generated by other human activities.

(e) Pollution Susceptibility Map(s) - Maps prepared by the Georgia Department of Natural Resources (DNR) that show the relative susceptibility of groundwater to pollution. Pollution susceptibility maps categorize the land areas of the State into areas of high, medium and low groundwater pollution potential. These maps are available at the office of the Augusta-Richmond County Planning Commission.

(f) Significant Groundwater Recharge Areas - Areas mapped by DNR in Hydrologic Atlas 18 (1989 edition). Mapping of recharge areas is based on outcrop area, lithology (chemical nature and form of rock), soil type and thickness, slope, density of lithologic contacts, geologic structure, presence of "karst" topography (sinkholes, caves, and fissures associated with limestone and other carbonate rocks), and potentiometric surfaces. These maps are available at the office of the Augusta-Richmond County Planning Commission.

CHAPTER 7

WATER SUPPLY WATERSHED ORDINANCE

§ 8-7-1. AUTHORITY.

The Augusta-Richmond County Commission was authorized by the Home Rule Provision of the Constitution of the State of Georgia of 1983 to: establish planning commissions; provide for the preparation and amendment of overall plans for the orderly growth and development of municipalities and counties; provide for the regulations of structures on mapped streets, public building sites, and public open spaces; repeal conflicting laws; and for other purposes. The Augusta-Richmond County Planning Commission, created and organized under the terms of the aforementioned Home Rule Provision, has made a study and analysis of the provisions of O.C.G.A § 12-2-8 and Chapter 391-3-16, Rules for Environmental Planning Criteria, Georgia Department of Natural Resources, Environmental Planning Division, and determined that this Water Supply Watershed Protection Ordinance conforms to the minimum requirements.

§ 8-7-2. PURPOSE.

In order to provide for the health, safety, and welfare of the public and a healthy economic climate within Augusta-

Richmond County, it is essential that the quality of public drinking water be assured. The ability of natural systems to filter stormwater runoff can be threatened by unrestricted urban and suburban development. Land disturbing activities associated with development can increase erosion and sedimentation that threatens the storage capacity of reservoirs. In addition, stormwater runoff, particularly from impervious surfaces, can introduce toxicants, nutrients, and sediment into drinking water supplies, making water treatment more complicated, expensive and rendering water resources unusable. Industrial land uses that involve the manufacture, use, transport and storage of hazardous or toxic waste materials result in the potential risk of contamination of nearby public drinking water supplies.

The purpose of the water supply watershed protection district regulation is to establish measures to protect the quality and quantity of the present and future water supply for the city of Augusta, Georgia; to minimize the transport of pollutants and sediments to water supplies; and maintain the yield of the water supply watersheds. (Ord. # 6094, October 20, 1998)

§ 8-7-3. TITLE.

This Ordinance shall be known as the Water Supply Watershed Protection Ordinance of Augusta, Georgia.

§ 8-7-4. DISTRICT DELINEATION.

The protected water supply watershed district is hereby designated and shall comprise the land that drains to Augusta, Georgia's public drinking water supply intake as follows:

(a) Savannah River Watershed - The Savannah River Water Supply Watershed District is hereby designated and shall comprise the land that drains to Augusta, Georgia's water supply intake. The boundary of the district is defined by the ridge line of the Savannah River watershed and the boundary of a radius seven (7) miles upstream of the public water supply intake on the Augusta Canal. This district shall be further delineated and defined on the Water Supply Watershed Protection District Overlay Map of the Official Zoning Map of Augusta-Richmond County, which is hereby incorporated and made a part of this ordinance by reference

(b) Each parcel of land within the Watershed Protection District shall be subject to the previous provisions, regulations, and restrictions of both the Watershed Protection District Ordinance and the underlying zoning district(s), as delineated in the Comprehensive Zoning Ordinance for Augusta-Richmond County. In the event of a conflict or discrepancy between the requirements of the Watershed Protection District Ordinance and the Comprehensive Zoning Ordinance, the more stringent shall apply.

(c) Savannah River Watershed - Permitted Uses and Conditions. All uses allowed in the underlying zoning districts are permitted in the Savannah River Water Supply Watershed Protection District, subject to the following limitation as to Hazardous Materials Handlers: New facilities, located within a seven (7) mile radius upstream of Augusta, Georgia's public water intake on the Augusta Canal, which handle hazardous materials of the types and amounts determined by the Georgia Department of Natural Resources (DNR), shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by DNR.

§ 8-7-5. SITE PLAN REQUIREMENTS.

All applicants for a development permit within the Watershed Protection District shall be required to have a site plan submitted and approved by the Augusta-Richmond County Planning Commission before any building permits may be approved or any land disturbing activity may take place. Each site plan submitted shall include all of the information in Article III, Sections 300-303 of the Site Plan Regulations for Augusta, Georgia. In addition, any hazardous materials handler shall provide location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous waste.

(a) Approval Process - The approval process for a site plan submitted in accordance with this ordinance shall be the same

as the procedures specified in Article II of the Site Plan Regulations for Augusta, Georgia.

(b) Hardships and Variances - Variances to decisions on permit applications shall be handled in the manner specified by Article IV, Section 400 of the Site Plan Regulations for Augusta, Georgia.

(c) Activity Compliance - All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan.

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CHAPTER 8

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SITE PLAN REGULATIONS

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See: Appendix

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CHAPTER 9

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SUBDIVISION COVENANTS

§ 8-9-1. PURPOSE.

The Augusta-Richmond County Commission has determined that the building of subdivision in phases, and the connecting of subdivisions by connector streets, with dissimilar restrictive covenants being imposed by the developer in the respective sections or subdivisions, leads to incompatible housing and aesthetically dissimilar housing. The Augusta-Richmond County Commission has determined that it is in the public interest to regulate such restrictive covenants to the extent allowed by law, by prohibiting the dedication of public streets and public utilities within said subdivisions with dissimilar covenants.(Ord. # 6183, July 20, 1999)

§ 8-9-2. ACCEPTANCE OF DEEDS OF DEDICATION OF STREETS AND UTILITIES.

A developer of a new subdivision, or of a new phase to an existing subdivision, which has existing restrictive covenants recorded in the Office of the Clerk of Superior Court, shall be required, as a prerequisite to presenting to the County for acceptance a Deed of Dedication to any streets within the subdivision or any utilities within the subdivision, to present to the Executive Director of the Augusta-Richmond County Planning Commission, restrictive covenants, in a form suitable for recording, to be placed upon the new subdivision or the new section of an existing subdivision. These restrictive covenants must be at least as restrictive as those covenants applicable to the existing subdivision, or the previous phase of a subdivision, to which the new subdivision will connect.

§ 8-9-3. APPEAL.

Should the Executive Director of the Augusta-Richmond County Planning Commission determine that the covenants are not compatible with the existing covenants, the Executive Director shall recommend to the Augusta-Richmond County Commission that it not accept for dedication any public street or utility to be dedicated to the public use. The developer may appeal any such decision or recommendation by the Executive Director to the Augusta-Richmond County Commission.

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§ 8-1-1. STATUTORY AUTHORIZATION.

The Legislature of the State of Georgia has in Georgia Code Annotated, Article IX, Section II, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Augusta-Richmond County Commission does ordain the provisions of this chapter.

§ 8-1-2. FINDINGS OF FACT.

(a) The flood hazard areas of Augusta, Georgia are subject to periodic inundation which results in loss of life and property; health and safety hazards; disruption of commerce and governmental services; extraordinary public expenditures for flood relief and protection; and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

§ 8-1-3. STATEMENT OF PURPOSE.

It is the purpose of this Chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (a) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increases flood heights, velocities, or erosion;
- (b) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (c) Control the alteration of natural floodplain, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
- (d) Control filling, grading, dredging and other development which may increase flood damage or erosion, and;
- (e) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.(Ord. # 6321, October 17, 2000)

§ 8-1-4. OBJECTIVES.

The objectives of this Chapter are:

- (a) To protect human life and health;
- (b) To minimize expenditure of public money for costly flood control projects;
- (c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (d) To minimize prolonged business interruption;
- (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (f) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and
- (g) To insure that potential home buyers are notified that property is in a flood area.

§ 8-1-10. SPECIFIC DEFINITIONS.

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application:

(a) Addition (to an existing building). Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing wall shall be considered "New Construction".

(b) Appeal. A request for a review of the Executive Director's interpretation of any provision of this Chapter or a request for a variance.

(c) Area of shallow flooding. A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

(d) Area of Special Flood Hazard. The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. In the absence of official designation by the Federal Emergency Management Agency, Areas of Special Flood Hazard shall be designated by the local community and referenced in Article 3, Section 8-1-17.

(e) Base flood. The flood having a one (1) percent chance of being equaled or exceeded in any given year.

(f) Basement. That portion of a building having its floor subgrade (below ground level) on all sides.

(g) Building. Any structure built for support, shelter or enclosure for any occupancy or storage.

(h) City Engineer. The City Engineer for Augusta, GA.

(i) Commission. The Augusta Commission.

(j) Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

(k) Elevated building. A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation, perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

(l) Executive director. The Executive Director of the Augusta-Richmond County Planning Commission.

(m) Existing construction. Any structure for which the "start of construction" commenced before the effective date of the FIRST Floodplain Management Ordinance adopted by Augusta, GA as a basis for Augusta's participation in the National Flood Insurance Program (NFIP)

(n) Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is complete before the effective date of the FIRST Floodplain Management Ordinance adopted by Augusta as a basis for Augusta's participation in the National Flood Insurance Program (NFIP)

(o) Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

(p) Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) the overflow of inland or tidal waters; or

(2) the unusual and rapid accumulation or runoff of surface waters from any source.

(q) Flood Hazard Boundary Map (FHBM). An official map of a community, issued by the Federal Insurance Administration, where the boundaries of the areas of Special Flood Hazard have been defined as Zone A.

(r) Flood Insurance Rate Map (FIRM). An official map of a community, issued by the Federal Insurance Administration, delineating the areas of Special Flood Hazard and/or risk premium zones applicable to the community.

(s) Flood Insurance Study. The official report provided by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

(t) Floodplain. Any land area susceptible to flooding.

(u) Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(v) Floodway fringe, lower. The portion of the area of Special Flood Hazard that is located between the limit of the floodway and a line connecting all points half the distance between the floodway and the limit of the area of Special Flood Hazard.

(w) Floodway fringe, upper. The portion of the area of Special Flood Hazard that is located between the lower floodway fringe and the boundary of the area of Special Flood Hazard.

(x) Floor. The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

(y) Functionally dependent facility. A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacturing, sales or service facilities.

(z) Highest adjacent grade. The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

(aa) Historic structure. Any structure that is:

(1) listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

a. By an approved state program as determined by the Secretary of the Interior; or

b. directly by the Secretary of the Interior in states without approved programs.

(bb) Lowest Floor The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking vehicles, building access, or storage, in area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this Code.

(cc) Manufactured home. A building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers and similar transportable structures placed on a site for one hundred eighty (180) consecutive days or longer and intended to be improved property.

(dd) Mean sea level. The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD).

(ee) National Geodetic Vertical Datum (NGVD). As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

(ff) New construction. ANY structure (see definition) for which the "start of construction" commenced after the effective date of the FIRST Floodplain Management ordinance adopted by Augusta, GA as a basis for Augusta's participation in the National Flood Insurance Program (NFIP) and includes any subsequent improvements to the structure.

(gg) New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the FIRST Floodplain Management Ordinance adopted by Augusta, GA as a basis for Augusta's participation in the National Flood Insurance Program (NFIP).

(hh) Recreational vehicle means a vehicle which is:

(1) built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projection;

(3) designed to be self-propelled or permanently towable by a light duty truck; and

(4) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

(ii) Start of construction The date of Development Permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or not part of the main structure. (NOTE: Accessory structures are NOT exempt from any ordinance requirements) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(jj) Structure. A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

(kk) Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

(ll) Substantial improvement. Any combination of repairs, reconstruction, alteration or improvements to a building, taking place during a five (5) year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure prior to the improvement. The market value of the building should be:

(1) The appraised value of the structure prior to the start of the initial repair or improvement; or

(2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual amount of repair work performed.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any

wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified by the Code Enforcement Official, and not solely triggered by an improvement or repair project.

(mm) Substantially improved existing manufactured home parks or subdivisions. Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

(nn) *Variance*. A grant of relief from the requirements of this Chapter which permits construction in a manner otherwise prohibited by this Chapter

§ 8-1-16. LANDS TO WHICH THIS CHAPTER APPLIES.

This Chapter shall apply to all areas of Special Flood Hazard within the jurisdiction Augusta, Georgia.

§ 8-1-17. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of Special Flood Hazard, identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS), dated February 15, 1978 and March 4, 1980, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this Chapter.

Areas of Special Flood Hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.

§ 8-1-18. ESTABLISHMENT OF DEVELOPMENT PERMIT.

A Development Permit shall be required in conformance with the provisions of this Chapter PRIOR to the commencement of any development activities.

§ 8-1-19. COMPLIANCE.

No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this Chapter and other applicable regulations.

§ 8-1-20. ABROGATION AND GREATER RESTRICTIONS.

This Chapter is not intended to repeal, abrogate or impair any existing, ordinance, easements, covenants or deed restrictions. However, where this Chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§ 8-1-21. INTERPRETATION.

In the interpretation and application of this Chapter all provisions shall be:

- (a) considered as minimum requirements;
- (b) liberally construed in favor of the Governing Body; and
- (c) deemed neither to limit nor repeal any other powers granted under state statutes.

§ 8-1-22. WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This Chapter does not imply that land outside the areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of Augusta, GA, the Commission and/or the Augusta-Richmond County Planning Commission or any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

§ 8-1-23. ENFORCEMENT AND PENALTIES FOR VIOLATION.

Violation of the provisions of this Chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall be reported to the City Engineer. Once a violation is evident, the City Engineer, acting on behalf of the Commission, shall be empowered to notify the owner in writing of the apparent violation of this Chapter. The written notice shall direct the owner to cease the development activity until such time as the requirements and procedures of this Chapter have been met. Upon failure of the owner to comply with this notice, the City Engineer shall notify the City attorney of the violation; and the City attorney shall immediately begin legal procedures in the Superior Court of Richmond County to prevent, enjoin, abate or remove such violations in addition to injunctive relief. All persons, firms or corporations failing to comply with the mandatory provisions hereof or doing any act prohibited hereby shall be guilty of an offense and, upon conviction thereof, be fined not more than one thousand dollars (\$1000.00) or imprisoned for not more than sixty (60) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing contained herein shall prevent the Commission from taking such other lawful action as is necessary to prevent or remedy any violation.

§ 8-1-29. DESIGNATION OF EXECUTIVE DIRECTOR.

The Executive Director of the Augusta-Richmond County Planning Commission is hereby appointed to administer and implement the provisions of this Chapter.

§ 8-1-30. PERMIT PROCEDURES.

Application for a Development Permit shall be made to the Executive Director on forms furnished by the community PRIOR to any development activities, and may include, but not be limited to the following: plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures; earthen fill placement, storage of materials or equipment, and drainage facilities.

Specifically, the following information is required:

(a) Application stage-

(1) Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;

(2) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;

(3) Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria in Article 5, § 8-1-44 (b);

(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and

(b) Construction stage

For all new construction and substantial improvements, the permit holder shall provide the Administrator an as-built certification of the regulatory floor elevation or flood-proofing level immediately after the lowest floor or flood-proofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertaken prior to submission of these certifications shall be at the permit holder's risk.

The Executive Director shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a Stop-Work Order for the project.

§ 8-1-31. DUTIES AND RESPONSIBILITIES OF THE EXECUTIVE DIRECTOR.

Duties of the Executive Director shall include, but shall not be limited to:

- (a) Review all Development Permits to assure that the permit requirements of this Chapter have been satisfied;
- (b) Review proposed development to assure that all necessary permits have been received from the governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.
- (c) Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- (d) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the FEMA to ensure accuracy of community flood maps through the Letter Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
- (e) Verify and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures in accordance with Article 4, § 8-1-30(b).
- (f) Verify and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with Article 4, § 8-1-30(b).
- (g) When flood-proofing is utilized for a structure, the Executive Director shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Article 4, § 8-1-30(a) and Article 5, § 8-1-44(b) or Article 5, § 8-1-47(b).
- (h) Where interpretation is needed as to the exact location of the boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Executive Director shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Chapter.
- (i) When Base Flood Elevation data or floodway data have not been provided in accordance with Article 3, § 8-1-17, then the Executive Director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other sources in order to administer the provisions of Article 5.
- (j) All records pertaining to the provisions of this Chapter shall be maintained in the office of the Executive Director and shall be open for public inspection.

§ 8-1-32. VARIANCE PROCEDURES.

(a) The Zoning Board of Appeals as established by the Commission shall hear and decide requests for appeals or variance from the requirements of this Chapter.

(b) The Zoning Board of Appeals shall hear and decide appeals when it is alleged an error in any requirement, decision or determination made by the Executive Director in the enforcement or administration of this Chapter.

(c) Any person aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Superior Court of Richmond County, Georgia, as provided in O.C.G.A. § 5-4-1; however all appeals shall be on the record and shall not be de novo.

(d) Variances may be issued for the repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum to preserve the historic character and design of the structure.

(e) In reviewing such requests, the Zoning Board of Appeals shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this Chapter, and:

(1) The danger that materials may be swept onto other lands to the injury of others;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) The importance of the services provided by the proposed facility to the community;

(5) The necessity to the facility of a waterfront location, in the case of functionally dependent facility;

(6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

(7) The compatibility of the proposed use with existing and anticipated development;

(8) The relationship of the proposed use to the Comprehensive Plan and Floodplain Management Program for that area;

(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) The expected heights, velocity, duration, rate of rise and sediment transport of floodwaters and the effects of wave action, if applicable, expected at the site; and

(11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(f) Upon consideration of the factors listed above and the purposes of this Chapter, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.

(g) Variances shall not be issued within any designated floodway or lower floodway fringe if ANY increase in flood levels during the base flood discharge would result.

(h) Conditions for Variances:

(1) The provisions of this Chapter are minimum standards for flood loss reduction, therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of Historic Structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

(2) Variances shall be issued ONLY when there is:

a. a finding of good and sufficient cause;

b. a determination that failure to grant the variance would result in exceptional hardship; and

c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.

(i) The Executive Director shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(j) Variances may be issued for development necessary for the conduct of a functionally dependant use, provided the criteria of this Article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

§ 8-1-43. GENERAL STANDARDS.

In ALL areas of Special Flood Hazard the following provisions are required:

- (a) New construction and substantial improvements of existing structures shall be anchored to prevent floatation, collapse or lateral movement of the structure;
- (b) Manufactured homes shall be anchored to prevent floatation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces;
- (c) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;
- (d) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage.
- (e) All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (g) Replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (h) New on-site waste disposal systems shall be located within the Special Flood Hazard Area per the provisions of the Georgia Onsite Wastewater Regulations;
- (i) Any alteration, repair, reconstruction or improvements to a structure, which is not compliant with the provisions of this Chapter, shall be undertaken only if the non-conformity is not furthered, extended or replaced; and
- (j) Elevated Buildings - All new construction or substantial improvements of existing structures that include ANY fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
 - (1) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - a. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - b. The bottom of all openings shall be no higher than one foot above grade; and,

c. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.

(2) So as not to violate the "Lowest Floor" criteria of this Chapter, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and

(3) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

§ 8-1-44. SPECIFIC STANDARDS.

In ALL areas of Special Flood Hazard the following provisions are required:

(a) New construction and substantial improvements. Where base flood elevation data are available, new construction or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 5, § 8-1-43(j), "Elevated Buildings".

(b) Non-Residential Construction. New construction or the substantial improvement of any structure located in A1-30, AE, or AH zones, may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to three (3) feet above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and in Article 4, § 8-1-31(g).

(c) Standards for Manufactured Homes and Recreational Vehicles. Where base flood elevation data are available:

(1) All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in new or substantially improved manufactured home parks or subdivisions, (3) in expansions to existing manufactured home parks or subdivisions, or (4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated no lower than three (3) feet above the base flood elevation.

(2) Manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:

a. The lowest floor of the manufactured home is elevated no lower than three (3) feet above the level of the base flood elevation, or

b. The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength), of no less than (36) inches in height above grade.

(3) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (ref. Article 5, § 8-1-43(b))

(4) All recreational vehicles placed on sites must either:

a.. Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or

b. The recreational vehicle must meet all the requirements for "New Construction", including anchoring and elevation requirements of Article 5, § 8-1-44(c)(1) and (3).

(d) Floodway. Located within areas of Special Flood Hazard established in Article 3, § 8-1-17 are areas designated as floodway. A floodway may be an extremely hazardous area due to the velocity of flood waters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply

(1) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.

(2) ONLY if Article 5, § 8-1-44(d)(1) above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article 5.

(3) The placement of manufactured homes, except in an existing manufactured home park or subdivision, shall be prohibited. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of § 8-1-43(b) are met, and the elevation standards of § 8-1-44(a) and the encroachments standards of subsection (1) of this Section are met.

(4) Removal of trees and other vegetation may not be a consideration in calculating the effect of proposed encroachments on flood levels during the occurrence of the base flood discharge.

(e) Floodway fringe, lower. Within the lower floodway fringe is the area between the floodway and the upper floodway fringe that is lower than a line one-half (1/2) the distance between the floodway and the boundary of the area of Special Flood Hazard. The lower floodway fringe is a transitional area that is hazardous due to its proximity to the floodway and encroachment by fill or development within this area could have serious impact on the entire floodplain. The following provisions shall apply within the lower floodway fringe:

(1) Encroachments, including fill, new construction, substantial improvements and other developments shall be prohibited unless certification by a registered professional engineer, with supporting technical data, is provided to the Executive Director demonstrating that encroachments shall not result in any increase in flood levels during occurrence of base flood discharge;

(2) If Article 5, § 8-1-44(d)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.

(3) The placements of manufactured homes, except in an existing manufactured home park or subdivision, shall be prohibited. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Article 5, § 8-1-43(b), and the elevation standards of Article 5, § 8-1-44(a), and the encroachment standards of Article 5, § 8-1-44(d)(1) are met.

(4) Removal of trees and other vegetation may not be a consideration in calculating the effect of proposed encroachments on flood levels during the occurrence of the base flood discharge.

(f) Large tracts. If a tract contains over one (1) acre located within the area of Special Flood Hazard, then development or land disturbance on that portion of the tract located within the Special Flood Hazard area shall comply with the

standards for lower floodway fringe set forth in § 8-1-44(e).

(g) Other area unsuitable for development. Land subject to flooding that is not located within a mapped area of Special Flood Hazard may, at the discretion of the Executive Director or City Engineer, be required to comply with any or all standards set forth in this Chapter.

(h) Grading in the area of the Special Flood Hazard. Grading (including excavating, filling, or any culmination thereof) shall be prohibited in the area of Special Flood Hazard except for the following:

(1) Minimum land disturbing activities such as home gardens and individual home landscaping, repairs, maintenance work and other related activities;

(2) Agricultural practices involving the establishment, cultivation or harvesting or products of the field or orchard, preparing and planting of pasture land, forestry land management practices including harvesting (where stumps are not removed), farm ponds, dairy operations, livestock and poultry management practices and the construction of farm buildings.

(3) Projects permitted by or carried out under the technical supervision of the U.S. Department of Agriculture, U.S. Army Corps of Engineers, or any other agency of the U.S. Government;

(4) Cemetery graves;

(5) Excavation for wells or tunnels or utilities

(6) Approved mining, quarrying, stockpiling of rock, sand, gravel, aggregates or clay where established and provided for by law;

(7) Exploratory excavations under the direction of soils engineers or engineering geologists;

(8) Where consistent with other provisions of this Chapter, minimum grading for land development or construction which does not result in topographic changes greater than 2 feet at any location and which is not for the sole purpose of elevating structures pursuant to Article 5, § 8-1-44(a) and Article 5, § 8-1-44(b) of this Chapter. In no case, shall fill be transported into the Special Flood Hazard.

(9) Construction activities at existing Industrial Sites which were developed before the effective date of the FIRST Floodplain Management Ordinance adopted by Augusta, GA as a basis for Augusta's participation in the National Flood Insurance Program (NFIP), such as dikes, ditches and ponds,

(i) As-built Drawings and Certification. Within the area of the Special Flood Hazard, as-built drawings and certifications shall be provided by a registered professional engineer and/or a registered land surveyor pursuant to 8-1-30(b) and 8-1-44(b) of this Ordinance and also when required by the Site Plan Regulations or the Subdivision Regulations. As built drawings and certifications may be required in other situations at the discretion of the Executive Director.

§ 8-1-45. BUILDING STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS AND/OR FLOODWAYS (A-ZONES).

Located within the Areas of Special Flood Hazard, established in Article 3, § 8-1-17, where streams exist but where no base flood data have been provided (A-Zones), OR where base flood data have been provided but a Floodway has not been delineated, the following provisions apply;

(a) No encroachments, including structures or fill material, shall be located within an area equal to five (5) times the width of the stream or twenty (20) feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(b) In Special Flood Hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 5, § 8-1-43(j), "Elevated Buildings". The Executive Director shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

(c) When base flood elevation data or floodway data have not been provided in accordance with Article 3, § 8-1-17, then the Executive Director shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from Federal, State, or other source, in order to administer the provisions of Article 5. ONLY if data are not available from these sources, then the provisions of (a) and (b) of this Section shall apply.

§ 8-1-46. STANDARDS FOR SUBDIVISIONS

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and,;
- (d) Base flood elevation data shall be provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is less.

§ 8-1-47. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES).

Areas of Special Flood Hazard established in Article 3, § 8-1-17 may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet (1'-3') above ground, with no clearly defined channel. The following provisions apply;

(a) All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 5, § 8-1-43(j), "Elevated Buildings".

The Executive Director shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

(b) New construction and substantial improvements of non-residential structures:

(1) Shall have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three feet (3) above the highest adjacent grade.

(2) May be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus one (1) foot, above the highest grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in Articles 4, § 8-1-30(a)(3) and Article 4, § 8-1-30(b).

(c) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

§ 8-1-51. SEVERABILITY.

If any Section, clause, sentence, or phrase of this Chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Chapter.

(Ord. # 6321, October 17, 2000)

§ 8-2-21. DEFINED.

As used in this article, the term *mobile home* means a *mobile home* or a *relocatable home* as such term are defined in subsections (a) and (b) of section 2 of the act known as *The Uniform Standards Code for Factory-Manufactured Movable Homes Act*, approved March 26, 1968 (Georgia Laws 1968, page 415) ; provided, however, that those mobile homes which qualify the taxpayer for homestead exemption under Georgia law shall not be considered mobile homes and subject to the provisions of this chapter.

§ 8-2-22. PERSONS OWNING OR HAVING MOBILE HOME LOCATED WITHIN AUGUSTA-RICHMOND COUNTY REQUIRED TO OBTAIN.

No person shall own or have located within the limits of Augusta-Richmond County any mobile home unless application for a tax verification permit shall have been made and a permit received as provided by this article.

§ 8-2-23. OCCUPANCY OF MOBILE HOME WITHOUT VALID PERMIT PROHIBITED.

No person shall occupy any mobile home as a residence or permit any other person to occupy the same as a residence unless a tax verification permit shall have been obtained as provided by this article.

§ 8-2-24. APPLICATION; PERMIT; DECAL FORM; APPLICANT INFORMATION.

The Richmond County Tax Commissioner is hereby authorized and empowered, subject to the specific provisions of this article, to prescribe application, permit and decal forms and thereafter to alter and change the same; and said tax commissioner is empowered to require that applicants furnish such information in writing as may be reasonably required to effectuate the purposes hereof.

§ 8-2-25. PROOF OF PAID TAXES REQUIRED OF APPLICANTS.

It shall be a condition precedent to issuance of any tax verification permit required by this article that the owner of said mobile home shall submit to the Richmond County Tax Commissioner proof that all state and local taxes theretofore accruing and payable with respect to such mobile home have in fact been paid; and, if said mobile home which is to be located or relocated is then located within any portion of the county that lies within the limits of a municipality therein, such owner shall likewise submit proof that all applicable municipal taxes have been paid before a permit may be issued.

§ 8-2-26. LOCATION OR RELOCATION PERMIT--REQUIRED WHEN INITIALLY LOCATING OR RELOCATING.

(a) Before any person shall locate or relocate a mobile home within the limits of Augusta-Richmond County, he shall apply for and obtain from the Richmond County Tax Commissioner a tax verification permit authorizing such location or relocation if such mobile home is to be used as a residence by the owner thereof, as a residence for others, or for any other purposes.

(b) No person shall hereafter initially locate any mobile home or relocate any mobile home within the limits of Augusta-Richmond County without having made such application and having obtained such permit.

§ 8-2-27. SAME--REQUIRED WHEN CHANGING LOCATION WITHIN AUGUSTA-RICHMOND COUNTY OR RELOCATING OUTSIDE AUGUSTA-RICHMOND COUNTY.

The owner of a mobile home used as a residence which is located within the limits of the county may not relocate such mobile home, or cause same to be relocated, within the confines of the county or beyond such confines without first obtaining a tax verification relocation permit from the aforesaid tax commissioner authorizing such relocation.

§ 8-2-28. SAME--FEE; ISSUANCE OF PERMIT AND DECAL; PLACEMENT OF DECAL.

(a) Each application for a tax verification moving permit required by this article shall be accompanied by a fee of five dollars (\$5.00), which shall be paid to the tax commissioner before such permit shall be issued.

(b) Any owner of a mobile home who has made application for the location or relocation of a mobile home and whose application meets the qualifications of this article shall be issued a tax verification permit and shall likewise be issued a decal. The decal to be issued with a tax verification permit authorizing location of a mobile home within Augusta-Richmond County shall be same color as prescribed by state law and shall be affixed to the mobile home at all times it is being used as a residence within the confines of such county. The decal issued with the tax verification permit authorizing relocation of a mobile home shall be red in color and shall be affixed to the mobile home at all times such mobile home is being transported within the confines of this state. Such decals shall be designed in such manner and affixed to mobile homes in such manner as to cause them to be easily visible for inspection.

**§ 8-2-29. SAME--NOTICE TO AUGUSTA-RICHMOND COUNTY OF DESTINATION WHENEVER
RELOCATION OUTSIDE AUGUSTA-RICHMOND COUNTY AUTHORIZED.**

Whenever a tax verification permit authorizing the relocation of a mobile home is issued and such mobile home is to be relocated within the confines of another county in this state, the Richmond County Tax Commissioner shall notify the tax commissioner of such other county of the date of the issuance of such permit.

§ 8-2-30. ANNUAL PERMITS FOR CONTINUED LOCATION REQUIRED; FEE; ISSUANCE OF PERMIT AND DECAL; PLACEMENT OF DECAL.

Each year every owner of a mobile home subject to taxation under the revisions of this article shall, from January first to on or before May first, make application to the tax commissioner for a mobile home location permit, and upon payment of the fee of three dollars (\$3.00) and proof of payment of taxes as provided in § 8-2-25, shall be issued a location permit. The issuance of said permit by the tax commissioner shall be evidenced by the issuance of a decal, the color of which shall be prescribed for each year by the Department of Revenue. Each decal shall reflect the county of issuance and the calendar year for which such permit is issued. The decal shall be prominently attached and displayed on the mobile home by the owner.

§ 8-2-31. ZONING REQUIREMENTS NOT SUPERSEDED BY PERMIT ISSUANCE.

The issuance of any tax verification permit under the provisions of this article shall in no way be construed as superseding the requirements for the location of mobile homes as the same may be contained within appropriate resolutions or other actions of the Augusta-Richmond County Planning and Zoning Commission, and the issuance of a tax verification permit under the provisions of this article shall not prohibit said planning and zoning commission from requiring a relocation of the mobile home to a place where such mobile home is permitted by the regulations of the Augusta-Richmond County Planning and Zoning Commission, but in such case the owner of such mobile home shall apply for and obtain a permit for such relocation as if such relocation were the result of his own initiative.

§ 8-2-32. PAYMENT OF FEES INTO TREASURY.

All sums collected by the tax commissioner under provisions of this article shall be paid into the Augusta-Richmond County treasury.

§ 8-2-33. DEALERS REQUIRED TO FILE ANNUAL INVENTORY.

All wholesale and retail dealers of mobile homes shall return their inventory of all mobile homes in their possession to the tax assessor, whether owned by them or not, on January first in each year.

§ 8-2-34. RESPONSIBILITIES OF PARK OWNERS, OPERATORS.

No owner or operator of a mobile home park shall permit any mobile home to be located or relocated within the confines of such park for residential use unless the tax verification permit required by this article shall have been obtained. No owner or operator of any mobile home park shall permit any mobile home presently located within the limits of such park owned or operated by him to remain in such park unless a tax verification permit authorizing such continued location as required by this article shall have been obtained.

§ 8-2-35. VIOLATIONS; PENALTIES.

It shall be unlawful to fail to attach and display on a mobile home the decal as required by this article; and any person who fails to attach, and display on a mobile home the decal shall be guilty of violation of this article and upon conviction thereof shall be punished as a misdemeanor as provided in § 1-6-1 of the Code, a fine of not less than \$25.00 nor more than \$200.00, except that upon receipt of proof of purchase of a decal prior to the date of the issuance of a citation, the fine shall be twenty-five dollars (\$25.00).

§ 8-3-1. INCORPORATION OF SUBDIVISION REGULATIONS.

The Land Subdivision regulations for the former City of Augusta and former unincorporated Areas of Richmond County, Georgia, as adopted on November 1, 1971, and subsequently revised, consisting of article I through article _____, inclusive (the *Subdivisions Regulations*), are included as an Appendix to this Code and are hereby incorporated in this section as if set out in full herein.

§ 8-3-2. PREREQUISITES TO APPROVAL OF FINAL PLAT; COMPLETION OF IMPROVEMENTS.

Prior to approval of a final subdivision plat by the Augusta-Richmond County Commission, the subdivider shall complete all improvements required by the Subdivision Regulations, as amended, to the Commission. All improvements shall be completed in a manner satisfactory to the Augusta-Richmond County Planning Commission and the Augusta-Richmond County Engineer. Final plat approval shall not be granted until the deed of dedication for such improvements has been submitted to the Augusta-Richmond County Engineer.

§ 8-3-3. GUARANTEE IN LIEU OF COMPLETION.

In lieu of requiring completion of all improvements prior to granting final plat approval, the Augusta-Richmond County Commission may, at its discretion, enter into a contract with the subdivider whereby the subdivider shall guarantee the completion of all required improvements in a manner satisfactory to the Planning Commission and the Augusta-Richmond County Engineer. To secure this contract, the subdivider shall obtain a security bond from a security company authorized to conduct business in the state or a letter from a chartered state or national bank or savings and loan institution with the state, confirming the benefit of Augusta-Richmond County, or a letter of credit from a chartered state or national bank or savings and loan institution within the state. If a bond is provided, it shall be payable to the Augusta-Richmond County Commission and shall be in an amount sufficient to cover the entire cost, as estimated by the subdivider and approved by the Augusta-Richmond County Engineer, of installing all required improvements. The duration of the bond, escrow account, or letter of credit shall be as specified in § 8-3-4.

§ 8-3-4. TIME LIMIT.

Prior to the granting of final plat approval, the subdivider and the Augusta-Richmond County Commission shall agree upon a deadline for the completion of all required improvements, such deadline not to exceed one (1) year from the date of final plat approval. The Commission may extend that deadline for one (1) additional year where the subdivider can present substantial reason for doing so.

§ 8-3-5. INSPECTION, CERTIFICATION AND ACCEPTANCE OF IMPROVEMENTS.

The Augusta-Richmond County Engineer shall regularly inspect for defects in the construction of required improvements. Upon completion of these improvements, the Augusta-Richmond County Engineer shall file with the Augusta-Richmond County Commission a statement either certifying that the improvements have been completed in accordance with applicable regulations or listing the defects in those improvements. Upon completion of the improvements, the subdivider shall file with the Commission a statement stipulating the following:

- (a) That all required improvements are complete;
- (b) That these improvements are in compliance with the minimum standards specified;
- (c) That the subdivider knows of no defects from any cause, in those improvements; and
- (d) That these improvements are free and clear of any encumbrance or lien.

The subdivider shall also file with the Augusta-Richmond County Commission an agreement dedicating such improvements to Augusta-Richmond County. If the Augusta-Richmond County Engineer has certified that the required improvements are complete and free of defects, then upon receipt of the other statements and agreements detailed above, the Commission shall accept dedication of those improvements.

§ 8-3-6. RELEASE.

Upon acceptance, in accordance with § 8-3-5, of the dedication of the required improvements, the Augusta-Richmond County Commission shall authorize the release of any improvement guarantees and approval of the final plat.

§ 8-3-7. FORFEITURE.

If any portion of the required improvements shall fail to be accepted for dedication in accordance with § 8-3-5 within the allocated time limit, either for reason of incompleteness or for reason of substandard construction, then the Augusta-Richmond County Commission shall declare the guarantee pledged under § 8-3-3 to be forfeited. Upon receipt of the secured funds, the Commission shall use them to finance the completion of required improvements or the rebuilding of such improvements to proper specification. Unused portions of the bonded amount shall be returned to the surety company.

§ 8-4-1. PURPOSE.

This Chapter provides standards for the protection of public trees, and for the designation of landmark trees, and further provides landscaping, tree protection and tree establishment standards for the development of private property in Augusta, Georgia. It is the purpose of this Chapter to promote the public health, safety, and general welfare by provisions designed to:

- (a) Aid in stabilizing the environment's ecological balance by contributing to the processes of air purification, oxygen regeneration, wildlife habitat, groundwater recharge, and storm water runoff retardation, while concurrently facilitating noise, glare, and heat abatement;
- (b) Encourage the preservation of existing trees and vegetation;
- (c) Prevent soil erosion;
- (d) Protect and enhance the aesthetic qualities of the community;
- (e) Prevent structural and pavement saturation;
- (f) Safeguard and enhance private property values and protect private and public investments;
- (g) Conserve energy..(Ord. # 6095, October 20, 1998)

§ 8-4-2. DEFINITIONS.

- (a) *Administrator*. The executive director of the Augusta-Richmond County Planning Commission.
- (b) *Caliper*. The diameter or thickness of the main stem of a young tree or sapling as measured at six (6) inches above ground level. This measurement is used for nursery-grown trees having a diameter of four (4) inches or less.
- (c) *Commission*. The Augusta-Richmond County Commission.
- (d) *Diameter breast height (DBH)*. The diameter or width of the main stem of a tree as measured four and one-half (4.5) feet above the natural grade at the base of a tree. Whenever a branch, limb, defect, or abnormal swelling of the trunk occurs at this height, the DBH shall be measured at the nearest point above or below four and one-half (4.5) feet at which a normal diameter occurs.
- (e) *Dripline*. An imaginary circuitous line on the ground that designates the outermost point to which the tree branches extend.
- (f) *Executive Director*. Executive Director of Augusta-Richmond County Planning Commission.
- (g) *Greenspace*. Any area retained as permeable unpaved ground and dedicated to supporting vegetation.
- (h) *Greenspace plan*. A topographic survey map and supporting documentation which describes for a particular site where vegetation (green space) is to be retained or planted in compliance with these regulations. The greenspace plan shall include a tree establishment element, a tree protection element, and a landscaping element.
- (i) *IGO*. (Illustrated Guide to Implementing the Augusta-Richmond County Tree Ordinance) A document providing standards and specifications for tree protection and tree establishment per Section VIII (c) of the Tree Ordinance for Richmond County.
- (j) *Landmark trees*. Any tree determined by the tree commission and the Commission, to be of notable historic interest, high aesthetic value, or of unique character because of species, type, age, or size and therefore designated as a public landmark.
- (k) *Land clearing*. The removal of all vegetation two (2) inches DBH or greater.
- (l) *Landscape Establishment Bond*. A two year bond that shall be posted prior to the issuance of a Certificate of Occupancy and released after two years upon a determination that required trees and landscaping are healthy and have a reasonable chance of surviving to maturity.
- (m) *Official street tree planting plan and program*. A plan and program adopted for the planting of trees along public streets, parks and other public places.
- (n) *Official Tree List*. A listing of various tree species, classified by size grouping, to be used to determine the quality rating of trees to be preserved or planted as well as the Quality Points (section III of the IGO)
- (o) *Planting Island*. An unpaved landscaped area located within a vehicle parking area that is defined physically by

curbing or otherwise in such a way that it cannot be driven over or parked upon.

(p) *Park*. All public land set aside for open space and recreation purposes.

(q) *Public property*. Any property owned by Augusta, Georgia.

(r) *Public trees*. Any tree located on public property.

(s) *Quality points factor*. A decimal fraction that is assigned to each tree species in the tree lists and is used as a multiplier in calculating the tree quality points for any tree retained on a site.

(t) *Right-of-way*. A strip of land over which Augusta, Georgia has the right, by ownership or otherwise to construct a public street, sidewalk, or use for public utilities.

(u) *Street yard*. A greenspace parallel to the street right-of-way whose total area is equal to ten (10) times the length of the right-of-way in square feet.

(v) *Tree Commission*. An appointed board of twelve (12) members with designated duties as outlined herein.

(w) *Tree establishment element*. A topographic survey map and supporting documentation which describes for a particular site where trees are to be planted in compliance with the requirements of these regulations, the types of trees and their corresponding tree quality points.

(x) *Tree protection element*. A topographic survey map and supporting documentation which describes for a particular site where existing trees are to be retained in compliance with the requirements of these regulations, the types of trees and their corresponding tree quality points.

(y) *Tree protection zone*. The area surrounding a preserved or planted tree that is essential to that tree's health and survival, and is protected within the guidelines of this chapter.

(z) *Tree quality points (TQP)*. A unit of measurement which quantifies the relative value of trees that are planted or retained on a given site. Tree quality points quantitatively express the desirable qualities of the species with regard to size for each tree that is retained on a site. For planted trees the tree quality points are an expression of species desirability and the expected mature size of each tree.

(aa) *Vehicle display areas*. Areas where vehicles are displayed for sale or lease.

(bb) *Vehicular service area*. Any paved or unpaved area utilized by vehicles.

§ 8-4-3. ESTABLISHMENT OF TREE COMMISSION.

(a) There is hereby created the Augusta-Richmond County Tree Commission which shall consist of ten (10) members appointed by the Commission plus an additional two (2) members appointed by the Richmond County Legislative Delegation. All appointments shall be for four (4) year terms. The role of the Tree Commissioners will be to define problems, suggest solutions, and provide support; review any appeals or variances and recommend acceptance or rejection to the Administrator; annually review the Illustrated Guide to Implementing the Augusta-Richmond County Tree Ordinance (IGO) and update it as needed; and review petitions for landmark trees. The Tree Commission shall meet no less than quarterly. All members shall be residents of Augusta, Georgia. All vacancies shall be filled for the unexpired terms.

(b) All Tree Commissioners shall serve without compensation. The Augusta Commission and the Richmond County Legislative Delegation, when appointing members to the Tree Commission, shall appoint persons from the following fields of association: registered landscape architect; realtor/developer of commercial property (licensed broker who is member of board of realtors); urban forester; an agricultural extension agent; architect; engineer; an appointee from the Garden Council of Augusta; and citizens at large who have knowledge of, and interest in, trees and the urban forest. The Georgia Forestry Commission Urban Forester may serve as an ex officio member.

(c) All terms shall expire on March 30 of the applicable year, and new terms shall begin on April 1 of the applicable year.

(d) Members shall not receive a salary, although they may be reimbursed for authorized expenses.

§ 8-4-4. ADMINISTRATION AND ENFORCEMENT.

The Augusta-Richmond County Planning Commission shall have the responsibility for administering all provisions of this Chapter that relate to the development of private lands. The Augusta-Richmond County Trees & Landscape Department shall have the responsibility of administering all provisions that relate to the development of public lands.

§ 8-4-5. PUBLIC TREE PROTECTION.

(a) Any request for the severing from the stump and removal of a tree on a public right-of-way shall be directed to the Augusta-Richmond County Trees and Landscape Department for approval. In the event approval is given, the Trees and Landscape Department shall notify the local neighborhood association, if any, and shall post on such tree for a period of fourteen (14) days a notice of their intent to remove said tree(s). Objections to removal shall be in writing and shall be directed to the Augusta-Richmond County Tree Commission for decision. Such decision of the Tree Commission shall be final, and there shall be no appeal to the Augusta Commission.

(b) Trees deemed a danger to the public or the adjoining property by the Department of Public Safety or by the Trees and Landscape Department shall be exempt from the restrictions of this section and can be removed for the safety of the public and/or adjacent properties.

(c) Nothing herein shall be construed as prohibiting the cutting and/or removal of a tree or trees incident to a road improvement project, a drainage project, or a water and sewerage project of Augusta, Georgia or the Georgia Department of Transportation.

(d) All other projects causing disturbance within rights-of-way which may cause extensive damage to trees therein shall likewise be reviewed by the Augusta-Richmond County Trees and Landscape Department for recommendations.

(e) No person or organization shall do any of the following acts to any public tree without first obtaining the proper permit from the Augusta-Richmond County Trees and Landscape Department:

(1) Cut, prune, break, damage, remove, kill or cause to be killed.

(2) Cut, disturb, or interfere, in any way, with the soil or any root within the dripline.

(3) Place, spray, or apply any chemical that is known or to be toxic to trees in a location that may be absorbed by any part of the tree.

(4) Fasten any rope, wire, sign or other device whether invasive to the tree or not.

(5) Remove or damage any guard devices placed to protect any tree.

(6) Conduct razing, removal, demolition, expansion, or renovation of any structure if deemed by the Department of Public Works to be damaging to neighboring public trees.

(7) Maintain a stationary fire or device which vaporizes noxious fumes deleterious to tree health.

(8) Pave with concrete, asphalt, or other impervious material within the dripline of any public tree unless approved construction techniques are followed as prescribed. (Ord. 5933, June 17, 1997)

§ 8-4-6. TREE PROTECTION ZONE; OFFICIAL TREE LIST.

(a) There is hereby established a tree protection zone which shall include all public right-of-way and all public lands of Augusta, Georgia.

(b) The superintendent of the Augusta-Richmond County Trees and Landscape Department, with assistance from public utility companies, the Augusta Commission, the Tree Commission and other interested groups, is hereby charged with the duty of determining the types of species of trees suitable for planting, as well as those prohibited, and the conditions under which such trees shall be planted along streets, in parks, and in public places within Augusta, Georgia. When completed, the list shall be presented to the Augusta Commission for its approval. When approved, the said report shall be known as the Official Tree List. Revisions in the Official Tree List may be made from time to time by the Augusta Commission. All trees hereafter planted on public property of Augusta, Georgia must be on the Official Tree List, unless otherwise specifically approved by the Augusta Commission.

§ 8-4-7. PLANTING AND MAINTENANCE STANDARDS.

(a) The Augusta Commission, through the Augusta-Richmond County Trees and Landscape Department shall have the authority to insist that all property owners treat or else allow the City to treat trees suffering from transmittable diseases or insect infestations which are on private property but are affecting the health of public trees on public property. If the disease infestation warrants drastic action to curb its spread to healthy public trees, at the direction of the Commission, the property owner shall remove and dispose of said trees or else allow Augusta, Georgia to do so.

(b) In case of emergencies, such as windstorms, or other disasters, the requirements of this article shall be waived during the emergency period so that the requirements of this Chapter would in no way hamper private or public work to restore order to Augusta, Georgia. This work to be done in accord with emergency standards as outlined by Augusta, Georgia.

§ 8-4-8. MOVING BUILDINGS OR OTHER LARGE OBJECTS.

No person shall move any building or other large objects which may injure any public tree or parts thereof along any street without first having obtained written permission from the superintendent of Trees and Landscape Department and then having obtained a permit from the License and Inspections Department.

§ 8-4-9. LANDMARK TREES.

The Augusta Commission may, upon petition by the property owner, designate a tree as a *landmark tree*, as defined herein. All nominations for landmark trees shall be reviewed by the Tree Commission which shall make a recommendation on such nomination to the Augusta Commission. Trees so designated shall thereafter be considered public landmarks and shall not be destroyed nor endangered except as recommended by the Tree Commission. The designation of a Landmark Tree shall be based upon an evaluation of the tree in relation to the criteria set forth in the IGO.

The designation of a landmark tree shall be based upon an evaluation of the tree in relation to the criteria set forth in the IGO.

Upon designation as a Landmark Tree, the tree shall be protected as provided in this Chapter, and the tree quality points assignment shall be based upon a quality points factor of 200 percent of the tree quality points for a preferred tree of equal DBH.

§ 8-4-10. NUISANCE TREES AND SHRUBS.

Any tree or shrub or parts thereof growing on public or private property which interferes with or endangers the use of the public streets or obscures sight distance or creates a traffic hazard on intersections or endangers the life, health, safety or property of the public, shall in the opinion of the Tree Commission be declared a public nuisance. The owner shall be notified in writing of the existence of the nuisance and be given a fifteen-day (15) period of time for instigating its correction or removal. If not corrected or removed within thirty (30) days, the Tree Commission shall cause the nuisance to be corrected or removed and the cost shall be assessed to the owner as provided by this Chapter.

§ 8-4-11. GREENSPACE REQUIREMENTS FOR PRIVATE AND PUBLIC DEVELOPMENT.

(a) *Application.* The regulations set forth in this Chapter shall apply to all properties affected by development proposals requiring site plans pursuant to section 30-2 of the Comprehensive Zoning Ordinance for Augusta, Georgia. Permits for clearing land and grading of land shall not be granted until plans as required by this Chapter have been approved.

(b) *Exemptions.* The following types of developments are exempt from compliance with any and all provisions of this Chapter:

(1) Construction (including clearing) of single family residential structures on individual lots; and

(2) The development of streets within a subdivision.

(3) Site Plans requiring grading only (no construction of improvements).

(4) Telecommunications facilities in LI or HI zoning unless the site is in view of a residential use in a residential zone, as viewed from the base of the tower.

(c) *Greenspace Plan required.* Except as herein provided, there shall be a Greenspace Plan for every applicable development. Such plan shall include a landscape element, a tree protection element, and a tree establishment element.

(d) *Landscape element.* Such element shall include a topographic survey map illustrating compliance with the design principles and standards included in the following section.

(e) *Landscape element design principles and standards.*

(1) A minimum of ten (10) percent of the total land area of any development shall be devoted to greenspace.

(2) No artificial plants, trees, or like materials shall be counted toward meeting the standards of these regulations.

(3) All retained or planted trees shall be protected or situated so as to prevent damage from environmental changes (such as a lowered water table) or land disturbance resulting from any building or facility construction.

(4) Sidewalks, curbing, or any other paved or impermeable surfaces within the greenspace area shall not count towards the ten (10) percent minimum greenspace or street yard requirement.

(5) A street yard area shall be provided along any existing or proposed public street right-of-way or private right-of-way adjacent to or adjoining the property except for those portions of the lot used for driveways. Detention or retention ponds at the front of the property near the right-of-way do not relieve the developer from installing the required street yard. For site plans that include fewer than one hundred (100) total parking and loading spaces, the area of the street yard shall be ten (10) times the length of the right-of-way frontage in square feet, and the minimum width at any point shall be seven and one-half (7 1/2) feet measured perpendicular to the right-of-way. If two (2) street yards cross, count the overlapped area only once. Street yards shall be landscaped and properly maintained by the owner and shall have live vegetation, groundcover, grass, trees, shrubs and may, unless otherwise prohibited, include fences and walls and plantings for parking areas. Each street yard shall have at least one (1) tree for each forty (40) linear feet on center of street frontage. All planted trees must be at least three (3) inches in caliper, have a single trunk, and be unbranched to six (6) feet. In zoning districts

where zero setbacks are permitted by the Comprehensive Zoning Ordinance for structures adjoining public street right-of-way, the street yard and its plantings may be located upon the public property if approved by the Department of Public Works. In all other cases, the street yard must be located on private property. For site plans that include one hundred (100) or more total parking and loading spaces, the area of the street yard shall be twenty (20) times the length of the right-of-way frontage in square feet, and the minimum width at any point shall be fifteen (15) feet. When a use of land is intensified or expanded in such a way that the required parking must be increased more than twenty (20) percent (except for parking areas where a twenty (20) percent increase would be less than 5 new spaces) then the entire site including the already developed area must be provided with a street yard that is at least five (5) times the length of the right-of-way frontage in square feet, and the minimum width at any point is two (2) feet.

(6) Parking lots (excluding vehicle display areas) providing over twenty (20) spaces shall contain interior landscaped areas. This section shall apply to any surface parking lot or loading area or vehicular service area or portions thereof built after the adoption of this Chapter. The number, size, and shape of interior landscaped areas shall be at the discretion of the owner subject to the following provisions:

a. A minimum of five (5) percent of the total interior area of parking lots, loading areas, and vehicular use areas (except vehicle display areas) shall be devoted to landscaping. Required street yards may not count towards the five (5) percent. For site plans that include fewer than 100 total parking and loading spaces there shall be no more than twelve (12) consecutive parking spaces between planting islands, which must be at least one hundred (100) square feet in area with a minimum width of eight (8) feet measured inside of curb to inside of curb. On such site plans one of every five (5) required planting islands must be a minimum of 37.5 feet in length and eight (8) feet in width, inside of curbing, unless all parking spaces are arranged around the perimeter of the parking lot. For site plans that include one hundred (100) or more parking spaces and loading spaces there shall be no more than twenty (20) consecutive parking spaces between planting islands, which must be at least three hundred (300) square feet in area with a minimum width of twelve (12) feet measured inside of curb to inside of curb. When a use of land is intensified or expanded in such a way that the required parking must be increased more than fifty (50) percent (except for where such an increase would be less than twenty (20) spaces), the new parking area must conform to the requirements of this subsection and the already developed parking area must be retrofitted with planting islands at a rate of one for every twenty (20) spaces which is no less than one hundred (100) square feet in area and with a minimum width of eight (8) feet. All internal planting areas shall be landscaped with approved plant materials compatible with accepted arboricultural practices as set forth in the IGO. The area devote to interior planting islands may be deducted from the required parking area pursuant to Section 4-2 of the Zoning Ordinance at a rate of one (1) space per two hundred (200) square feet of planting island except that the requirement of spaces shall not be reduced over ten (10) percent.

For the purposes of calculating consecutive parking spaces, handicapped parking spaces shall equal one and one-half (1-1/2) parking spaces. (Ord. # 6371, May 1, 2001.)

b. Within parking areas, trees shall be provided at the minimum rate and size of one medium or large shade tree for every 3,000 square feet of total surface area. No parking space shall be further than 65 feet from the trunk of a shade tree with no intervening building.

c. Within existing parking areas, all new curbing around landscaped islands shall match existing curbing within the site. If no curbing is present within the site, then concrete curb and gutter, per City of Augusta standards and specifications, shall be used around landscaped islands.

In new parking areas, all curbing around landscaped islands shall be concrete curb and gutter, as approved by the City Engineer. (Ord. # 6373, May 1, 2001).

(7) Lighting serving to illuminate a parking area shall not be located within a planting island.

(8) A permanent water source shall be provided not more than one hundred (100) feet from any planted tree.

(9) Where the rear property line in a multiple-family residential, professional, commercial or industrial zone abuts an R-1 zone or single-family residence, a buffer strip not less than twenty (20) feet in width shall be provided at the time that development of the multiple-family residential, professional, commercial or industrial zoned property occurs. This buffer strip shall be designed to provide a year round visual screen that is at least eight (8) feet in height and completely blocks the view of the subject property by a person standing just across the property line on the adjoining residential property. It may consist of solid board fencing (maximum height six (6) feet) accompanied by trees spaced on 40 foot centers, masonry walls (maximum height six (6) feet), evergreen plant materials, berms, rocks, mounds, or combinations thereof to achieve the objective. Where plant materials are utilized, they must be of such variety, quality, and quantity that the objective could be expected to be accomplished within three (3) years. No buildings, structures, storage of materials, or parking shall be permitted within this buffer area. Buffer areas shall be maintained and kept free of all debris, rubbish and weeds. (Ord. # 6374, May 1, 2001).

(10) Where the side property line in a multiple-family, professional, commercial, or industrial zone abuts an R-1 zone, and a parcel is located in a block that 50 percent or more of the street frontage on the same side of the street is zoned single-family residential, or where 50 percent or more of the street frontage within 750 feet on both sides of the parcel on the same side of the street is zoned single-family residential, a buffer strip not less than ten (10) feet wide along the side property line(s) shall be provided. Said buffer strip shall begin at the front setback line and extend along the entire remaining side boundary line of the parcel being developed. It shall consist of a "shadowbox" style fence or another style wooden or masonry fence that has two finished sides at least six (6) feet in height on or within two feet of the property line, and plant materials as set forth in the Illustrated Guide spaced no more than one-half the plant width at maturity per the Illustrated Guide along the entire length of the fence. Buffer areas shall be maintained and kept free of all rubbish and debris.

(11) The mature or ultimate spread of planted trees shall be shown on the Greenspace Plan. Planted trees shall be spaced according to the following minimum standards in order to qualify for tree quality points:

*large trees - thirty (30) feet apart

*medium trees - twenty (20) feet apart

*small trees - fifteen (15) feet apart

(f) *Tree protection and tree establishment elements.* Land cleared for development or land being proposed for development shall have, after development, not less than one thousand (1,000) tree quality points (TQP) per acre on a given site. Large Industrial Sites may be exempt from this requirement at the discretion of the Administrator. Tree quality points shall only be calculated on the acreage of the site that is being developed. Undeveloped portions of the site shall not be required to provide tree quality points (including street yard requirements) nor shall tree quality points for existing trees be counted toward the requirements of the developed portion of the site. Tree protection and tree establishment elements may be provided separately or collectively depending on the nature, complexity, and scale of the development. Such elements shall include a topographic survey map showing:

(1) Existing tree cover and tree cover that is to be removed.

(2) The location and species of all trees to be retained on the developed portion of the site for which tree quality points are to be claimed, including their DBH, tree quality points, and their tree protection zones. Where a grouping or cluster of twenty (20) or more trees is located within a proposed tree protection zone, the location of individual trees within such cluster is not required to be spotted on the plan, provided the number of trees for each species within the cluster is given and the average DBH is identified for each species. Existing trees on undeveloped portions of the site (i.e. future development) cannot be counted toward Tree Quality Points.

(3) The location, species, and DBH of all trees located on adjacent rights-of-way.

(4) A listing of all trees to be planted on the site for which tree quality points are to be claimed, giving their respective species, caliper, and tree quality points.

(5) A description of tree planting specifications if different from those listed in the Illustrated Guide to Implementing the Augusta-Richmond County Tree Ordinance (IGO).

IGO and any amendments thereto are hereby adopted by reference. The guide will be reviewed annually by the Tree Commission with the updated version being adopted by reference and each time made a part hereof. All Greenspace Plans shall be provided in a manner consistent with provisions contained therein.

(g) *Tree protection and tree establishment standards.* Tree protection zones shall be established and maintained for all trees preserved or planted on a site for which tree quality points are to be claimed. The following provisions apply to such zones and the trees within them.

(1) The tree protection zone shall have a dimension of not less than one-half (1/2) the distance to the dripline of the preserved tree, or the minimum tree protection zones for planted trees set forth in Table 1; whichever is greater. Tree protection zones shall be barricaded prior to the commencement of construction and until the Certificate of Occupancy has been issued.

(2) The area within any tree protection zone must remain open and unpaved. The use of perforated pavement may be allowed subject to the approval of the administrator.

(3) A plan shall accompany all applications identifying how existing trees within tree protection zones are to be protected during clearing and construction of the project. Such a plan shall be approved by the Administrator upon a finding that the plan adequately addresses the criteria set forth in IGO.

(4) No vehicles shall be parked, or construction material stored, substances poured, disposed of, or placed, within any tree protection zone at any time during clearing or construction of the project.

(5) No change in grade within the tree protection zone shall be allowed except for a maximum addition of two (2) inches of sandy loam topsoil covered with mulch.

(6) Tree wells or tree walls (islands) shall be constructed as needed to protect the preserved trees from grade changes which result in changes of water supply to the tree protection zone. Adequate means for drainage of excess moisture from the tree protection zone shall be provided if tree wells or tree walls are constructed.

(7) For planted trees, the minimum size Tree Protection Zone centered upon the planted tree shall be as specified in Table 1.

(8) The ground elevation where trees are to be planted in a street yard shall be within five (5) feet of the ground elevation of the street right-of-way.

Table 1

Minimum Tree Protection Zone for Planted Trees.

<u>Mature Tree Size</u>	<u>Minimum Area Square Feet</u>	<u>Protection Zone</u>
small *	16	2.0' radius
medium *	66	3.0' radius
large *	200	4.0' radius

** A listing of small, medium, and large trees is found in IGO*

*** Protection Zone = Minimum distance from tree trunk to edge of dripline.*

(h) Tree quality points.

(1) Tree quality points shall be assigned to preserved or planted trees as follows:

a. All preserved trees must be at least four (4) inch caliper to qualify for tree quality points.

b. All large and medium planted trees must be at least three (3) inch caliper, have a single trunk, and be unbranched to six (6) feet in order to qualify for tree quality points. Small planted trees as defined in the IGO must be at least one (1) inch caliper and while multi-trunk small trees may be utilized, the largest trunk must be at least one (1) inch caliper and 6 feet in height to qualify for tree quality points.

(2) Tree quality points for planted trees. Quality points are assigned to newly planted trees as defined in the following table and only if planted in accordance with IGO specifications. The species lists contained in the above guide identifies tree types by size.

Table 2

Tree Quality Points for Planted Trees

<u>Mature Size</u>	<u>Acceptable</u>	<u>Recommended</u>	<u>Preferred</u>
small *	1	3	7
medium *	4	12	28
large *	13	39	91

** A listing of small, medium, and large trees is found in the IGO.*

(3) Tree quality points for preserved trees. Quality points for trees preserved on the site are directly related to the tree species quality and the tree protection zone that must be provided for the tree. For preserved trees, tree quality points are calculated by squaring the tree's DBH (diameter at breast height) and multiplying this number by the applicable quality points factor. If the calculated tree quality points is less than that given for planted trees in Table 2, then the greater number will apply.

$$\text{DBH} \times \text{DBH} \times (\text{Quality Points Factor}) = \text{Tree Quality Points}$$

Table 3

Tree Quality Points Factor

<u>Tree Quality Rating</u>	<u>Quality Points Factor *</u>
Acceptable	0.2
Recommended	0.6
Preferred	1.4
Landmark Trees	2.0

** The assigned quality points factor is found in the Tree Species Lists in IGO.*

8-4-12. COMPLIANCE.

All improvements shown in the Greenspace Plan shall be constructed and all plant materials shall be in place and approved by the Augusta-Richmond County Trees & Landscape Department before a Certificate of Occupancy will be issued for any use of land or structure(s) that is not exempted from this Ordinance. If at the time of request for a Certificate of Occupancy the required landscaping is not in place and it can be determined by the Trees & Landscape Department that unavailability of plant materials or that weather conditions prohibit completion of this planting, then the developer may, at the discretion of the Executive Director, provide an executed contract binding for one (1) year from the date of application that provides for the completion of such landscaping work and also a performance bond or an irrevocable letter of credit from a federally insured lender in an amount to be approved by the Trees & Landscape Department commensurate with the cost of completing the required landscaping.

Existing trees or other landscape features as delineated on previously approved Site Plans and subsequently installed to conform with the minimum standards of this Ordinance may not be removed or altered without prior approval of the Tree Commission. (Ord. # 6372, May 1, 2001).

§ 8-4-13 LANDSCAPE ESTABLISHMENT BOND.

A two year Landscape Establishment Bond shall be posted with the Administrator prior to issuance of the Certificate of Occupancy. This bond shall be in the amount of the contract award for landscaping or in an amount determined by the Trees and Landscape Department, whichever is higher. After 18 months, the Trees and Landscape Department shall inspect the site and make a determination as to whether or not the required trees and landscaping are healthy and have a reasonable chance of surviving to maturity. Upon such a finding, the bond shall be released at the end of the two year Landscape Establishment period. In absence of such a finding the bond shall not be released and the owner of the property shall be notified to replace the unhealthy trees and landscaping or take other appropriate action as required by the Trees and Landscape Department. If the owner fails to comply with the decision of the Trees and Landscape Department within sixty (60) days of receiving a written notice, then the City shall use the bond to the extent necessary to bring the property into compliance with the provisions of these regulations.

Before release of the Landscape Establishment Bond, documentation shall be signed by the Owner certifying that the required trees located on the site will not be removed nor shall the canopy of required trees be reduced without prior approval of the Tree Commission. (Ord. # 6370, May 1, 2001.)

§ 8-4-14. APPEALS AND VARIANCES.

(a) Decisions of the Administrator may be appealed to the Augusta-Richmond County Tree Commission. The Tree Commission shall also hear requests for variances from the provisions of this chapter. The Tree Commission shall review the appeal or variance and make its recommendations to the Administrator. Forms for such purpose will be provided by the Administrator.

(b) Variances shall only be granted upon a determination that the variance is the minimum necessary to afford relief and when in the opinion of the Tree Commission relief is justified.

(c) Variances shall only be granted upon:

(1) A determination that failure to grant the variance would result in exceptional hardship, and;

(2) A determination that the granting of a variance will not adversely impact the intents and purposes of these regulations.

(d) The Tree Commission may approve, deny, or approve with conditions a request for variance. Conditional approval may be granted where mitigation of the impact is agreed upon by the Tree Commission and the Petitioner.

§ 8-4-15. ABROGATION AND GREATER RESTRICTIONS.

This Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Chapter and another regulation conflict or overlap, whichever regulation imposes the more stringent restrictions shall prevail.

§ 8-4-16. SEVERABILITY.

If any provision of this Chapter is declared to be invalid, such declaration shall not affect, impair, or invalidate the remaining provisions of this Chapter.

§ 8-4-17. ENFORCEMENT, VIOLATION AND PENALTY.

The Trees and Landscape Department shall report all violations of the provisions of this Chapter or failure to comply with any of its requirements to the Administrator. Once a violation is evident, the Administrator, acting on behalf of the Augusta Commission, shall notify the owner in writing of the apparent violation of this Chapter. The written notice shall direct the owner to cease the violation until such time as the requirements and procedures of this Chapter have been met. Upon failure of the owner to comply with this notice, the Administrator shall notify the Augusta City Attorney of the violation and the Augusta City Attorney shall immediately begin legal procedures in the Superior Court of Richmond County to prevent, enjoin, abate, or terminate such violations in addition to injunctive relief. All persons, firms or corporations failing to comply with the mandatory provisions hereof or doing any act prohibited hereby shall be guilty of a misdemeanor and shall be punished as provided in § 1-6-1 of this Code. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Augusta Commission from taking such other lawful action as is necessary to prevent or remedy any violation.

§ 8-5-1. INCORPORATION OF ZONING ORDINANCE BY REFERENCE.

The comprehensive zoning ordinance of the City of Augusta and unincorporated areas of Richmond County, as adopted on March 25, 1963 and subsequently revised, consisting of section 1 through section 37, inclusive, is hereby incorporated in this section as if set out in full herein. (Amended and rewritten Sept. 16, 1997)

§ 8-5-2. AMENDMENTS TO ZONING ORDINANCE, MAP AND SUBDIVISION REGULATIONS.

Any amendments to the Augusta-Richmond County Comprehensive Zoning Ordinance, the zoning maps, and any amendments to the subdivision regulations of land shall be made when the Commission determines that such a change would be in the best interest of Augusta-Richmond County.

§ 8-5-11. AUTHORITY.

This Article is enacted pursuant to the authority conferred by Section 46-5-122 of The Official Code of Georgia Annotated, as amended, to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the present and future inhabitants of Augusta, Georgia.

§ 8-5-12. SHORT TITLE.

This Article shall be known as the Road Naming and Addressing Ordinance for Augusta, Georgia.

§ 8-5-13. JURISDICTION.

The provisions set forth herein shall apply to those roads, both public and private (including manufactured home parks, condominium developments, apartment complexes or office parks), which are or will be located within Augusta, Georgia, or within certain municipalities in Richmond County, Georgia upon the request of the appropriate elected officials of said municipalities.

§ 8-5-14. PURPOSE.

The purpose of this Article is to provide a system of unique road names and addresses which is essential to the successful implementation of the E-911 Emergency Services System, and is therefore, essential to the efficient and effective provision of such services as police, fire, and emergency medical services. (Ord. # 6068, August 4, 1998)

§ 8-5-15. ASSIGNMENT OF RESPONSIBILITY FOR NAMING ROADS AND ADDRESSING OF SAID ROADS.

The Augusta-Richmond County Planning Commission is hereby assigned overall authority and responsibility for the naming of public and private roads as directed by the provisions of this Article.

§ 8-5-16. APPROVAL OF ROAD NAMES.

All proposed road names shall be reviewed and approved by the Augusta-Richmond County Planning Commission and authorized by action of the Augusta-Richmond County Commission before the road names become official and before road signs are erected. The appropriate tax map(s) shall be amended by the Tax Assessor's office to reflect new road names approved by action of the Augusta-Richmond County Commission.

§ 8-5-17. ESTABLISHMENT OF UNIFORM NUMBERING SYSTEM.

The Augusta-Richmond County Planning Commission shall develop and maintain a uniform scaled system of numbering roads. This addressing system shall be used in designating addresses for new and existing structures and to resolve address problems which tend to confuse the traveling public or tend to delay the response of emergency services, mail delivery and other service providers.

§ 8-5-18. ISSUANCE OF STREET AND/OR MAILING ADDRESSES.

(a) Street and/or mailing addresses shall be issued by the Augusta-Richmond County Planning Commission for all principal dwellings and buildings located on all officially mapped public and private roads within Augusta, Georgia and within certain municipalities in Richmond County, Georgia upon the request of the appropriate elected officials of the municipalities.

(b) Addresses will be provided only on those roads which have been assigned a name in accordance with the guidelines set forth in this Article.

(c) Each new dwelling or principal structure will be assigned an address at the time that a building permit, mobile home permit, or other similar permit is issued by the appropriate issuing authority.

(d) No building permit shall be issued for any principal dwellings or buildings until the owner has obtained the official address from the Augusta-Richmond County Planning Commission.

(e) The certificate of occupancy for any structure erected, repaired or modified after the effective date of this Article shall be withheld by the License and Inspections Department until the address is posted on the structure as outlined in this Article.

§ 8-5-19. RESPONSIBILITY FOR PLACEMENT OF NUMBERS.

(a) The owner, occupant, or agent of each house, building or other structure assigned an address under the uniform numbering system shall place or cause to be placed the number on the house, building, or other structure within 30 days after receiving notification from the Augusta-Richmond County Planning Commission of the proper number assignment.

(b) Further, the owner, occupant or agent of any existing house, building or other structure existing as of the date of the adoption of this Article, shall place or cause to be placed the number on the house, building or other structure within 30 days after the adoption of this Ordinance.

(c) Cost and installation of the number must be paid for by the property owner or occupant. Residential numbers must not be less than three inches in height. Business numbers must not be less than four inches in height. All numbers must be made of a durable, clearly visible material and must contrast with the color of the house, building, or other structure. Reflective numbers for nighttime identification are strongly recommended.

(d) The number must be conspicuously placed immediately above, on or at the side of the appropriate door so that the number is visible clearly from the road. In cases where the building is situated more than fifty feet from the road, the number must be placed upon the mailbox or near the driveway so as to be easily read from the road.

§ 8-5-20. LOCATION AND INSTALLATION.

Sign location and installation shall be in accordance with the specifications for road name signs as set for in the Comprehensive Zoning Article for Augusta, Georgia.

§ 8-5-21. NEW ROADS.

(a) The naming of new roads, such as in new subdivisions, shall be reviewed and approved by the Augusta-Richmond County Planning Commission according to the present procedures of the Augusta-Richmond County Planning Commission and authorized by action of the Augusta-Richmond County Commission before the road names become official.

(b) The names of new roads must not duplicate or be similar to an existing road name within Richmond County, Georgia's geographical area.

(c) Existing duplicate road names may be changed as necessary by Augusta, Georgia to ensure efficiency of the emergency response system.

§ 8-5-22. EXISTING ROADS.

(a) All public roads (those maintained by Augusta, Georgia and those maintained by the Georgia Department of Transportation) shall be named. All private roads requiring Augusta-Richmond County Planning Commission approval (both subdivision and site plan roadways depicting multiple buildings) shall be named.

(b) In the event of a conflict in either road naming or addressing, the Augusta-Richmond County Planning Commission staff will use its best judgment to resolve the conflict.

§ 8-5-23. LIABILITY.

Augusta, Georgia, its officers, agents or employees, together with any person following their instructions in rendering services, are not liable for civil damages as a result of an act or omission under this Article, including but not limited to, developing, adopting, operating, or implementing an addressing system or plan.

§ 8-5-24. EFFECTIVE DATE.

This Article shall take effect on the first day following final reading and adoption.

§ 8-5-25. PROVISIONS SEVERABLE.

(a) All provisions in other Ordinances for Augusta, Georgia in conflict with this Article are hereby repealed.

(b) If any provisions of this Article or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Article which can be given effect without the invalid provision or application and to this end, the provisions of this Article are severable.

§ 8-6-1. AUTHORITY.

The Official Code of Georgia Annotated § 12-2-8 requires that certain minimum standards shall be adopted by local governments to protect groundwater recharge areas. The Ordinance conforms to these minimum standards and also the minimum standards of Chapter 391-3-316, Rules for Environmental Planning Criteria, Georgia Department of Natural Resources Environmental Planning Division.

§ 8-6-2. SHORT TITLE.

This Ordinance shall be known as the Groundwater Recharge Area Protection Ordinance of Augusta, Georgia.

§ 8-6-3. PURPOSE.

In order to provide for the health, safety, and welfare of the public and a healthy economic climate within Augusta, Georgia and surrounding communities, it is essential that the quality of public drinking water be ensured. For this reason, it is necessary to protect the subsurface water resources that Augusta, Georgia and surrounding communities rely on as sources of public water. Groundwater resources are contained within aquifers, which are permeable, rock strata occupying vast regions of the subsurface. These aquifers are replenished by infiltration of surface water runoff in zones of the surface known as groundwater recharge areas. Groundwater is susceptible to contamination when unrestricted development occurs within significant groundwater recharge areas. It is, therefore, necessary to manage land use within groundwater recharge areas in order to ensure that pollution threats are minimized. (Ord. # 6093, October 20, 1998)

§ 8-6-4. OBJECTIVES.

The objectives of this ordinance are:

- (a) Protect groundwater quality by restricting land uses that generate, use or store dangerous pollutants in recharge areas;
- (b) Protect groundwater quality by limiting density of development; and
- (c) Protect groundwater quality by ensuring that any development that occurs within the recharge area shall have no adverse effects on groundwater quality.

§ 8-6-5. ESTABLISHMENT OF A GROUNDWATER RECHARGE AREA DISTRICT.

A Groundwater Area District is hereby established which shall correspond to all lands within the jurisdiction of Augusta, Georgia, except for those lands which lie to the east of the Center of Georgia Railroad as shown on the map of Most Significant Groundwater Recharge Areas of Georgia.

§ 8-6-6. DETERMINATION OF POLLUTION SUSCEPTIBILITY.

Each recharge area shall be determined to have a pollution susceptibility of high, medium or low, based on the Georgia Pollution Susceptibility Map prepared by the Georgia Department of Natural Resources.

§ 8-6-7. PERMIT REQUIREMENTS, ADMINISTRATION, AND ENFORCEMENT.

Within the Groundwater Recharge Area District, no building permit, site plan or subdivision plan will be approved by Augusta, Georgia unless the permit or plan is in compliance with the groundwater protection standards listed in § 8-6-11.

§ 8-6-8. PERMIT REQUIREMENT.

A building permit or a development permit within the Groundwater Recharge Area District shall not be issued until a site plan or subdivision plat, whichever is appropriate, has been reviewed and approved which illustrates compliance with the Groundwater Recharge Area Protection Ordinance. The requirements for site plans are to be found in the Site Plan Regulations for Augusta, Georgia, and the requirements for subdivision plats are to be found in the Subdivision Regulations for Augusta, Georgia. Those construction or development projects which are exempted under the Site Plan Regulations are likewise exempted from the requirements of this Ordinance.

§ 8-6-9. ADMINISTRATION.

The Executive Director of the Augusta-Richmond-County Planning Commission is hereby designated as the administrator for this ordinance.

§ 8-6-10. ENFORCEMENT.

(a) Augusta, Georgia, its agents, officers and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this ordinance and may take or cause to be made such examinations, surveys or sampling as Augusta, Georgia deems necessary. The Director of Public Works shall have authority to enforce this ordinance and address violations or threatened violations hereof by issuance of violation notices, administrative orders and civil and criminal actions. All costs, fees and expenses in connection with such actions may be recovered as damages against the violator.

(b) Law enforcement officials or other officials having police powers shall have authority to assist the Director of Public Works in enforcement.

(c) Any person who commits, takes part in or assists in any violation of any provision of this Ordinance shall be fined not more than \$500 for each offense. Each violation shall be a separate offense and, in the case of continuing violation, each day's continuance shall be deemed to be a separate and distinct offense.

(d) The Director of Public Works shall have the authority to issue cease and desist orders in the event of any violation of this Ordinance. Cease and desist orders may be appealed to a court of competent jurisdiction, as identified in § 8-6-12.

(e) When a building or other structure has been constructed in violation of this Ordinance, the violator shall be required to remove the structure.

(f) When removal of vegetative cover, excavation or fill has taken place in violation of this Ordinance, the violator shall be required to restore the affected land to its original contours and to restore vegetation, as far as practicable.

§ 8-6-11. GROUNDWATER PROTECTION STANDARDS.

Within the Groundwater Recharge Area District, the following minimum standards shall apply:

- (a) Waste Disposal Facilities. All new waste disposal facilities must have synthetic liners and leachate collection systems.
- (b) Agricultural Impoundments. New agricultural impoundments shall meet the following requirements:
 - (i) For areas of high susceptibility, a liner shall be provided that is approved by the U.S. Soil Conservation Service (SCS).
 - (ii) For areas of medium susceptibility, an SCS-approved liner shall be provided if the site exceeds 15 acre feet.
- (c) Land Disposal. No land disposal of hazardous waste shall be permitted within any Significant Groundwater Recharge Area.
- (d) Spill and Leak Protection. For all Significant Groundwater Recharge Areas, the handling, storage and disposal of hazardous materials shall take place on an impermeable surface having spill and leak protection approved by the Georgia Department of Natural Resources, Environmental Protection Division (EPD).
- (e) Secondary Containment. For all Significant Groundwater Recharge Areas, new above-ground chemical or petroleum storage tanks larger than 660 gallons must have secondary containment for 110 percent of tank volume or 110 percent of the largest tanks in a cluster of tanks.
- (f) Wastewater Basins. For High Pollution Susceptibility Areas, new wastewater treatment basins shall be an impermeable liner approved by EPD
- (g) Stormwater Basins. For High Pollution Susceptibility Areas, no new stormwater infiltration basins may be constructed.
- (h) Wastewater Spray and Sludge Operation. For High Pollution Susceptibility Areas, wastewater spray irrigation systems or the land spreading of wastewater sludge shall be practiced in accordance with Department of Natural Resources criteria for slow rate land treatment. An application for a development permit for activities involving wastewater spray irrigation or land spreading of wastewater sludge must be accompanied by proof that the applicant has received a Land Application System permit from EPD.
- (i) Minimum Lot Sizes and Septic Systems. New homes served by septic tank/drain systems shall conform to minimum lot size requirements identified in Tables 1-3 below. (Note: No construction may proceed on a building permit or mobile home to be served by a septic tank without approval of the proposed septic system by the Richmond County Health Department). The following shall be exempted from all provisions of this Ordinance related to lot size:
 - a. Lots which are included on an "Overall Concept Plan" per Section 104.3 of the Subdivision Regulations, or a "Sketch Plan" per Section 200.1 of the Subdivision Regulations and submitted prior to 5:00 p.m. on the date of adoption of this Ordinance; and
 - b. Lots which are included on a "Development Plan" per Article III of the Subdivision Regulations and submitted prior to 5:00 p.m. on December 31, 1998; and
 - c. "Lots of record" (as defined herein) prior to 5:00 p.m. on December 31, 1998.

TABLE 1. Minimum Lot Size Requirements. Source: DHR Manual for On-Site Sewerage Management Systems.

Pollution Susceptibility	New Homes Served by Septic Systems	New Mobile Homes Served by Septic Systems
High	150% of minimum lot sizes specified in Table 2	150% of minimum lot sizes specified in Table 3
Medium	125% of minimum lot sizes specified in Table 2	125% of minimum lot sizes specified in Table 3
Low	110% of minimum lot sizes specified in Table 2	110% of minimum lot sizes specified in Table 3

TABLE 2. Single Family Home Minimum Lot Size where served by On-Site Septic Tank Systems. Source: DHR Manual for On-Site Sewerage Management Systems.

<u>SOIL GROUP (SEE APPENDIX)</u>					
<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	
<u>MINIMUM LOT SIZE IN SQUARE FEET</u>					
<u>0-5</u>	<u>30000</u>	<u>39000</u>	<u>48000</u>	<u>51000</u>	<u>60000</u>
<u>5-15</u>	<u>33000</u>	<u>42000</u>	<u>51000</u>	<u>54000</u>	<u>66000</u>
<u>15-25</u>	<u>36000</u>	<u>45000</u>	<u>54000</u>	<u>57000</u>	<u>N/A</u>
<u>25-35</u>	<u>39000</u>	<u>48000</u>	<u>57000</u>	<u>60000</u>	<u>N/A</u>

TABLE 3. Mobile Home Parks Lot Size where served by On-Site Septic Tank Systems. Source: DHR Manual for On-Site Sewerage Management Systems.

<u>SOIL GROUP (SEE APPENDIX)</u>					
<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	
<u>MINIMUM LOT SIZE IN SQUARE FEET</u>					
<u>0-5</u>	<u>10000</u>	<u>13000</u>	<u>16000</u>	<u>17000</u>	<u>20000</u>

<u>5-15</u>	<u>11000</u>	<u>14000</u>	<u>17000</u>	<u>18000</u>	<u>22000</u>
<u>15-25</u>	<u>15000</u>	<u>18000</u>	<u>18000</u>	<u>19000</u>	<u>N/A</u>
<u>25-35</u>	<u>13000</u>	<u>16000</u>	<u>19000</u>	<u>20000</u>	<u>N/A</u>

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§ 8-6-12. JUDICIAL REVIEW.

(a) Jurisdiction. All final decisions of Augusta, Georgia concerning denial, approval or conditional approval of a permit shall be reviewable by appeal to the Superior Court of Richmond County. The procedure for said appeal shall be the same as an appeal to the Superior Court from any decision made by the Probate Court as provided by the laws of Georgia, except that said appeal shall be filed within thirty (30) days from the date of the decision of denial, approval, or conditional approval; and upon failure to file said appeal within thirty (30) days, the decision of denial, approval or conditional approval shall be final.

(b) Alternative Actions. Based on these proceedings and the decisions of the court , Augusta may, within a time specified by the court, elect to:

(i) Institute negotiated purchase or condemnation proceedings to acquire an easement of fee interest in the applicant's land;

(ii) Approve the permit application with lesser restrictions or conditions (i.e., grant a variance); or

(iii) Institute other appropriate actions ordered by the court that fall within the jurisdiction of Augusta, Georgia.

§ 8-6-13. AMENDMENTS.

These regulations may, from time to time, be amended in accordance with procedures and requirements in the general statutes and as new information becomes available.

§ 8-6-14. ASSESSMENT RELIEF.

Assessors and boards of assessors shall consider the requirements of these regulations in determining the fair market value of the land.

§ 8-6-15. SEPARABILITY AND ABROGATION.

All sections and subsections of this ordinance are considered separate and distinct. Should any section, subsection, paragraph or part of this ordinance be declared by a court of jurisdiction to be invalid for any reason, it shall not invalidate any other section, subsection, paragraph or part of this ordinance.

§ 8-6-16. DEFINITIONS.

(a) Aquifer - Any stratum (rock layer) or zone of rock beneath the surface of the earth capable of containing or producing water from a well. (Note: This is the same definition used in the Groundwater Use Act).

(b) Groundwater Recharge Area (synonymous with Aquifer Recharge Area) - An area of the Earth's surface where water infiltrates the ground, thereby replenishing the groundwater supplies within the aquifer.

(c) Lot of Record - A parcel of land the dimensions of which are shown on a map on file with the Clerk of Superior Court of Richmond County, Georgia, or in common use by county officials, and which actually exists as so shown, or any part of such parcel held in a recorded ownership separate from the ownership of the remainder thereof.

(d) Pollution Susceptibility - The relative vulnerability of groundwater to pollution from chemical spills, leaching of pollutants from dump sites, animal waste from agricultural operations or pollution generated by other human activities.

(e) Pollution Susceptibility Map(s) - Maps prepared by the Georgia Department of Natural Resources (DNR) that show the relative susceptibility of groundwater to pollution. Pollution susceptibility maps categorize the land areas of the State into areas of high, medium and low groundwater pollution potential. These maps are available at the office of the Augusta-Richmond County Planning Commission.

(f) Significant Groundwater Recharge Areas - Areas mapped by DNR in Hydrologic Atlas 18 (1989 edition). Mapping of recharge areas is based on outcrop area, lithology (chemical nature and form of rock), soil type and thickness, slope, density of lithologic contacts, geologic structure, presence of "karst" topography (sinkholes, caves, and fissures associated with limestone and other carbonate rocks), and potentiometric surfaces. These maps are available at the office of the Augusta-Richmond County Planning Commission.

§ 8-7-1. AUTHORITY.

The Augusta-Richmond County Commission was authorized by the Home Rule Provision of the Constitution of the State of Georgia of 1983 to: establish planning commissions; provide for the preparation and amendment of overall plans for the orderly growth and development of municipalities and counties; provide for the regulations of structures on mapped streets, public building sites, and public open spaces; repeal conflicting laws; and for other purposes. The Augusta-Richmond County Planning Commission, created and organized under the terms of the aforementioned Home Rule Provision, has made a study and analysis of the provisions of O.C.G.A § 12-2-8 and Chapter 391-3-16, Rules for Environmental Planning Criteria, Georgia Department of Natural Resources, Environmental Planning Division, and determined that this Water Supply Watershed Protection Ordinance conforms to the minimum requirements.

§ 8-7-2. PURPOSE.

In order to provide for the health, safety, and welfare of the public and a healthy economic climate within Augusta-Richmond County, it is essential that the quality of public drinking water be assured. The ability of natural systems to filter stormwater runoff can be threatened by unrestricted urban and suburban development. Land disturbing activities associated with development can increase erosion and sedimentation that threatens the storage capacity of reservoirs. In addition, stormwater runoff, particularly from impervious surfaces, can introduce toxicants, nutrients, and sediment into drinking water supplies, making water treatment more complicated, expensive and rendering water resources unusable. Industrial land uses that involve the manufacture, use, transport and storage of hazardous or toxic waste materials result in the potential risk of contamination of nearby public drinking water supplies.

The purpose of the water supply watershed protection district regulation is to establish measures to protect the quality and quantity of the present and future water supply for the city of Augusta, Georgia; to minimize the transport of pollutants and sediments to water supplies; and maintain the yield of the water supply watersheds. (Ord. # 6094, October 20, 1998)

§ 8-7-3. TITLE.

This Ordinance shall be known as the Water Supply Watershed Protection Ordinance of Augusta, Georgia.

§ 8-7-4. DISTRICT DELINEATION.

The protected water supply watershed district is hereby designated and shall comprise the land that drains to Augusta, Georgia's public drinking water supply intake as follows:

(a) Savannah River Watershed - The Savannah River Water Supply Watershed District is hereby designated and shall comprise the land that drains to Augusta, Georgia's water supply intake. The boundary of the district is defined by the ridge line of the Savannah River watershed and the boundary of a radius seven (7) miles upstream of the public water supply intake on the Augusta Canal. This district shall be further delineated and defined on the Water Supply Watershed Protection District Overlay Map of the Official Zoning Map of Augusta-Richmond County, which is hereby incorporated and made a part of this ordinance by reference

(b) Each parcel of land within the Watershed Protection District shall be subject to the previous provisions, regulations, and restrictions of both the Watershed Protection District Ordinance and the underlying zoning district(s), as delineated in the Comprehensive Zoning Ordinance for Augusta-Richmond County. In the event of a conflict or discrepancy between the requirements of the Watershed Protection District Ordinance and the Comprehensive Zoning Ordinance, the more stringent shall apply.

(c) Savannah River Watershed - Permitted Uses and Conditions. All uses allowed in the underlying zoning districts are permitted in the Savannah River Water Supply Watershed Protection District, subject to the following limitation as to Hazardous Materials Handlers: New facilities, located within a seven (7) mile radius upstream of Augusta, Georgia's public water intake on the Augusta Canal, which handle hazardous materials of the types and amounts determined by the Georgia Department of Natural Resources (DNR), shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by DNR.

§ 8-7-5. SITE PLAN REQUIREMENTS.

All applicants for a development permit within the Watershed Protection District shall be required to have a site plan submitted and approved by the Augusta-Richmond County Planning Commission before any building permits may be approved or any land disturbing activity may take place. Each site plan submitted shall include all of the information in Article III, Sections 300-303 of the Site Plan Regulations for Augusta, Georgia. In addition, any hazardous materials handler shall provide location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous waste.

(a) Approval Process - The approval process for a site plan submitted in accordance with this ordinance shall be the same as the procedures specified in Article II of the Site Plan Regulations for Augusta, Georgia.

(b) Hardships and Variances - Variances to decisions on permit applications shall be handled in the manner specified by Article IV, Section 400 of the Site Plan Regulations for Augusta, Georgia.

(c) Activity Compliance - All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan.

§ 8-9-1. PURPOSE.

The Augusta-Richmond County Commission has determined that the building of subdivision in phases, and the connecting of subdivisions by connector streets, with dissimilar restrictive covenants being imposed by the developer in the respective sections or subdivisions, leads to incompatible housing and aesthetically dissimilar housing. The Augusta-Richmond County Commission has determined that it is in the public interest to regulate such restrictive covenants to the extent allowed by law, by prohibiting the dedication of public streets and public utilities within said subdivisions with dissimilar covenants.(Ord. # 6183, July 20, 1999)

§ 8-9-2. ACCEPTANCE OF DEEDS OF DEDICATION OF STREETS AND UTILITIES.

A developer of a new subdivision, or of a new phase to an existing subdivision, which has existing restrictive covenants recorded in the Office of the Clerk of Superior Court, shall be required, as a prerequisite to presenting to the County for acceptance a Deed of Dedication to any streets within the subdivision or any utilities within the subdivision, to present to the Executive Director of the Augusta-Richmond County Planning Commission, restrictive covenants, in a form suitable for recording, to be placed upon the new subdivision or the new section of an existing subdivision. These restrictive covenants must be at least as restrictive as those covenants applicable to the existing subdivision, or the previous phase of a subdivision, to which the new subdivision will connect.

§ 8-9-3. APPEAL.

Should the Executive Director of the Augusta-Richmond County Planning Commission determine that the covenants are not compatible with the existing covenants, the Executive Director shall recommend to the Augusta-Richmond County Commission that it not accept for dedication any public street or utility to be dedicated to the public use. The developer may appeal any such decision or recommendation by the Executive Director to the Augusta-Richmond County Commission.